EA Appendix I

Environmental Coordination and Public Comments

TOLCHESTER

Correspondence	Recipient	Date
Correspondence From: Maryland Port Administration	Colonel Frank Finch	1-29-92
Adrian G. Teel	District Engineer	
Correspondence From: Congress of the United States House	MGEN C. E. Edgar, III	7-7-92
of Representatives	Acting Commander	
Helen Delich Bentley		
Correspondence From: Association of Maryland Pilots	Colonel J. Richard Capka	6-6-94
Captain Michael R. Watson	District Engineer	
Correspondence From: Association of Maryland Pilots	RADM W. Ted Leland	6-7-94
Captain Michael R. Watson	Commander	
Correspondence From: United States Coast Guard	Capt. Michael R. Watson	8-26-94
Rear Admiral W.J. Ecker	President	2.2.1.0.1
Correspondence From: United States Coast Guard	BGEN Paul Y. Chinen	8-26-94
Rear Admiral W. J. Ecker	Commander	6.2.06
Correspondence From: Department of the Army	To Whom It May Concern	6-3-96
Public Notice B-96-3		
John P. O'Hagan, P.E.	Steven R. McHenry	6-17-96
Correspondence From: State Highway Administration Public Notice B-96-3	Steven K. McHeiny	0-17-90
Douglas H. Simmons		
Correspondence From: Maryland Historical Trust	Jeffrey A. McKee	6-27-96
Steven R. Bilicki	Project Manager	0 21 90
Correspondence From: U.S. EPA	Jeffrey A. McKee	6-28-96
John Forren	Project Manager	0 20 70
Correspondence From: Maryland Department of Natural	Jeffrey A. McKee	7-8-96
Resources	Project Manager	
Ray C. Ditman		
Correspondence From: U.S. Department of the Interior	Col. Randall R. Inoye	7-9-96
John P. Wolflin	District Engineer	
Correspondence From: NOAA	Col. Randall R. Inoye	7-11-096
Andrew Rosenberg	District Engineer	
Correspondence From: Maryland Department of the	Jeffrey A. McKee	7-23-96
Environment		
J.L. Hearn	Y 00 37 77	0.20.04
Correspondence From: Maryland Office of Planning	Jeffrey McKee	8-29-96
William G. Carroll	Project Manager	0.25.07
Correspondence From: Capt. Herbert Groh	Colonel Bruce A. Berwick District Engineer	8-25-97
Common and an as From . United States Coast Cuand	Č	7-14-98
Correspondence From: United States Coast Guard Vice Admiral Roger T. Rufe, Jr.	MGEN Jerry L. Sinn Commander	/-14-70
Correspondence From: Department of the Army	To Whom It May Concern	2-18-00
Public Notice -OP-001	To whom it way concern	2 10 00
Christine Correale		
Correspondence From: Mr. and Mrs. William Moulden	Colonel Berwick	2-18-00
•	District Engineer	
Correspondence From: Upper Bay Charter Captains	Department of the Army	2-21-00
Association	Mr. Jeffrey McKee	
Captain Skip Slomski		
Correspondence From: The Maryland Watermen's	Kent County	2-22-00
Association, Inc. Larry Simns President	Commissioners	
Correspondence From: John M. Williams, Ph.D.	Colonel Berwick	3-8-00
Re: Concerns About Proposed Dredging and Placement Actions		
Correspondence From: Upper Bay Charter Boast Association,	Dear Sir	3-11-00
Laurence Thomas		

Correspondence	Recipient	Date
Correspondence From: Kent County Watermen's Association	District Engineer	
James W. Jacquette, Jr.	To Whom It May Concern	
Correspondence From: Captain Russ Green	District Engineer To Whom It May Concern	3-13-00
Correspondence From: The Maryland Watermen's	District Engineer	3-15-00
Association, Inc., Larry Simns, President	Gentlemen	
Re: Public Notice OP-00-1	District Francisco	2.15.00
Correspondence From: Traveler II Charters Captain Richard Manley	District Engineer Dear Sir	3-15-00
Correspondence From:	Colonel Bruce Berwick	3-17-00
Theresa Pierno	District Engineer	3 17 00
Chesapeake Bay Foundation		
Susan Brown		
Maryland League of Conservation Voters		
Mildred Kriemelmeyer		
Maryland Conservation Council		
Mary Marsh		
Sierra Club - Maryland Chapter		
Jan Graham		
Haztrak Coalition, Inc.		
■ Wayne A. Beale		
Citizens Against Open Bay Dumping		
Correspondence From: Maryland Department of Natural	Ms. Christina Correale	3-17-00
Resources - Ray C. Dintaman, Jr., Director	Attn: Mr. Jeffrey McKee	
Environmental Review Unit		
Re: Public Notice OP-00-01		
Correspondence From: Congress of the United States House	Colonel Bruce Berwick	3-20-00
of Representatives; Wayne T. Gilchrest	District Engineer	
Correspondence From: Maryland Department of Housing and	Mrs. Linda Morrison	3-22-00
Community Development	Chief, Regulatory Branch	
Dr. Susan B.M. Langley		
State Underwater Archaeologist		
Re: Review of Permit Application		
Re: Public Notice OP-00-01		
Correspondence From : The County Commissioners of Kent	District Engineer	3-28-00
County	Gentlemen	
Ronald H. Fithian, President		
 Larry B. Beck, Member 		
W. Michael Newman, Member		
Correspondence From: Maryland House of Delegates	District Engineer	4-3-00
Mary Roe Walkup	Sir	4.7.00
Correspondence From: USEPA Region III	Mr. Jeffrey A. McKee	4-7-00
Thomas Slenkamp, Acting Director Correspondence From: Maryland Office of Planning	Ms. Christina E. Correale	4-11-00
Correspondence From: Maryland Office of Planning Linda C. Janey, J.D.	Ms. Christina E. Correale Chief, Operations Division	4-11-00
Re: State Application Identifier: MD 20000222-01-01	Ciner, Operations Division	
Correspondence From: Department of the Army	To Whom It May Concern	4-13-00
Public Notice OP-00-2	10 Whom it Way Concern	. 13 00
Christina E. Correale		
Correspondence From: The County Commissioners of Kent	District Engineer	4-18-00
County	Gentlemen	
Ronald H. Fithian, President		
Larry B. Beck, Member		
W. Michael Newman, Member		
** . Ivitetidet 14e willdii, IvietiiUel		1

Correspondence	Recipient	Date
Correspondence From: Maryland Saltwater Sport Fishermen's	Jeffrey McKee	4-20-00
Association, Inc.	verney menee	1 20 00
Richard Novotny, Executive Director		
Correspondence From: NSCSA (American) Inc.	Colonel Bruce A. Berwick District Engineer	4-26-00
Correspondence From: Association of Maryland Pilots	Colonel Bruce A. Berwick	4-26-00
Capt. Michael R. Watson, President	District Engineer	4.27.00
Correspondence From: Evergreen America Corporation	Colonel Bruce A. Berwick	4-27-00
George J. Thomas, Junior Vice President	District Engineer Sir	4 27 00
Correspondence From: Maryland Charter Boat Association	1.5	4-27-00
Laurence Thomas	[Also Attn: Jeffrey McKee] Colonel Bruce A. Berwick	5 1 00
Correspondence From: Hapag-Lloyd Marty Urlock	Colonel Bruce A. Berwick	5-1-00
Re: Proposed New Work and Maintenance Dredging:		
Brewertown Channel Eastern Extension and Tolchester Channel		
S-turn Straightening		
Correspondence From: Footner and Company, Inc.	Colonel Bruce A. Berwick	5-2-00
Roberto I. Gutierrez, President	District Engineer	
Correspondence From: Hual North America	Colonel Bruce A. Berwick	
Harry Hussein, National Sales Manager Automotive	District Engineer	
Correspondence From: Atlantic Container Line Phil Sybert	Col. Bruce A. Berwick District Engineer	5-3-00
Correspondence From: United States Department of the	Colonel Bruce A. Berwick	5-5-00
Interior	District Engineer	
John P. Wolflin, Supervisor		
Chesapeake Bay Field Office		
Re: Brewertown Channel Eastern Extension and Tolchester		
Channel S-turn Realignment		
Correspondence From: The Vane Brothers Company	Col. Bruce A. Berwick	5-5-00
Charles F. Hughes, Chairman	District Engineer	5.5.00
Correspondence From: COSCO North America Gene Johnson	Col. Bruce A. Berwick	5-5-00
Correspondence From: Port of Baltimore	District Engineer Colonel Bruce A. Berwick	5-5-00
James J. White, Executive Director	District Engineer	3-3-00
Re: Public Notice OP-00-01	District Eligineer	
Correspondence From: Mediterranean Shipping Company	Colonel Bruce A. Berwick	
(USA) Inc.	District Engineer	
Captain E. Lorenzo Di Casagrande, Vice President		
Correspondence From: John M. Williams	Col. Bruce A. Berwick District Engineer	
Correspondence From: Chesapeake Bay Foundation	Col. Bruce Berwick	5-8-00
Theresa Pierno	District Engineer	
Correspondence From: Association of Maryland Pilots	Colonel Charles Fiala	9-26-00
Capt. Randall W. Bourgeois		2000
Correspondence From: Maryland Department of Planning	Mark Mendelsohn	10-23-00
Linda Janey		
Correspondence From: R. Christopher Goodwin and	Jeff McKee	10-25-00
Associates		
Christoper Polglase		
Correspondence From: Samuel McSorley	Mr, Robert Linder District Engineer	10-25-00
Correspondence From: Captain Herbert Groh	Mr, Robert Linder	10-30-00
Correspondence from. Capain Horocit Gron	District Engineer	10 30 00
Correspondence From: Janet Dinsmore	Baltimore District	11-7-00

Correspondence	Recipient	Date
Correspondence From: Maryland Department of Natural	Col. Berwick	11-20-00
Resources	District Engineer	
Ray C. Dintaman		
Correspondence From: Chesapeake Bay Foundation	District Engineer	11-21-00
Theresa Pierno and Jennifer Aiosa		
Correspondence From: John M. Williams	Mark Mendelsohn	11-21-00
Correspondence From: John M. Williams	Col. Fiala	11-21-00
	District Engineer	
Correspondence From: State Historic Preservation Officer	Linda Morrison	11-27-00
J. Rodney Little	Chief, Regulatory Branch	
Correspondence From: U.S. Fish & Wildlife Service	Col. Fiala	11-28-00
John P. Wolflin	District Engineer	
Correspondence From: U.S. EPA	Col. Fiala	12-7-00
Stanley Laskowski	District Engineer	
Correspondence From: Maryland Environmental Service	Mark Mendelsohn	12-13-00
Cecelia Donovan		
Correspondence From: NOAA	Col. Fiala	12-20-00
Patricia Kurkul		
Correspondence From: State Underwater Archaelogist	Mr. Jeffrey McKee	4-5-01
Dr. Susan B.M. Langley		



Maryland Port Administration The World Trade Center Baltimore, Maryland 21202-3041 William Donald Schaefer
Governor

January 29, 1992

Maryland Port Commission
O. James Lighthizer
Chairman

Colonel Frank Finch
District Engineer
U. S. Army Corps of Engineers
Baltimore District
P. O. Box 1715
Baltimore, Maryland 21203-1715

J. Owen Cole Thomas T. Koch Milton H. Miller, Sr. John M. Waltersdorf Fred L. Wineland

Adrian G. Teel

Executive Director

Dear Col. Finch:

In recent months, the Maryland Port Administration (MPA) has developed an Action Plan for improving the channel systems serving the Port of Baltimore. This plan focuses on improvements identified by the Association of Maryland Pilots (AMP) and a survey of shipping lines as important to maintaining acceptable levels of safety and navigability in Baltimore channels, now and in the future.

I am providing you with a copy of this plan, which we believe can be accomplished over the next 2-3 years without a major study or change in congressional authorization. Implementation of this plan, however, will require close coordination and cooperation between the MPA, the Baltimore and Philadelphia Districts of the U. S. Army Corps of Engineers, the AMP, and the U. S. Coast Guard (USCG).

We are presently conducting a series of meetings with representatives of each agency to introduce the plan, and to discuss ways and means of implementation. As you know, our meeting with you has been scheduled for 9:00 AM on Tuesday, February 11, 1992 in your office.

I am writing you before that meeting to advise you that we are also scheduled to present the Action Plan during the public session of the Port Commission's meeting on Tuesday, February 4, 1992. As we were unable to schedule our meeting with you prior to the Commission's meeting, I felt it was important to present you and your staff with a copy of the plan, so that you will have some familiarity with this effort in the event it receives some attention from the news media.

333-4500 My telephone number is 301-_____ Colonel Finch January 29, 1992 Page Two

I look forward to our meeting on February 11th, and to working with you on this very important plan. If you have any questions, please do not hesitate to contact me.

Sincerely,

aduin

Adrian G. Teel Executive Director

AGT/kyj

Enclosure

cc: Richard Mayer

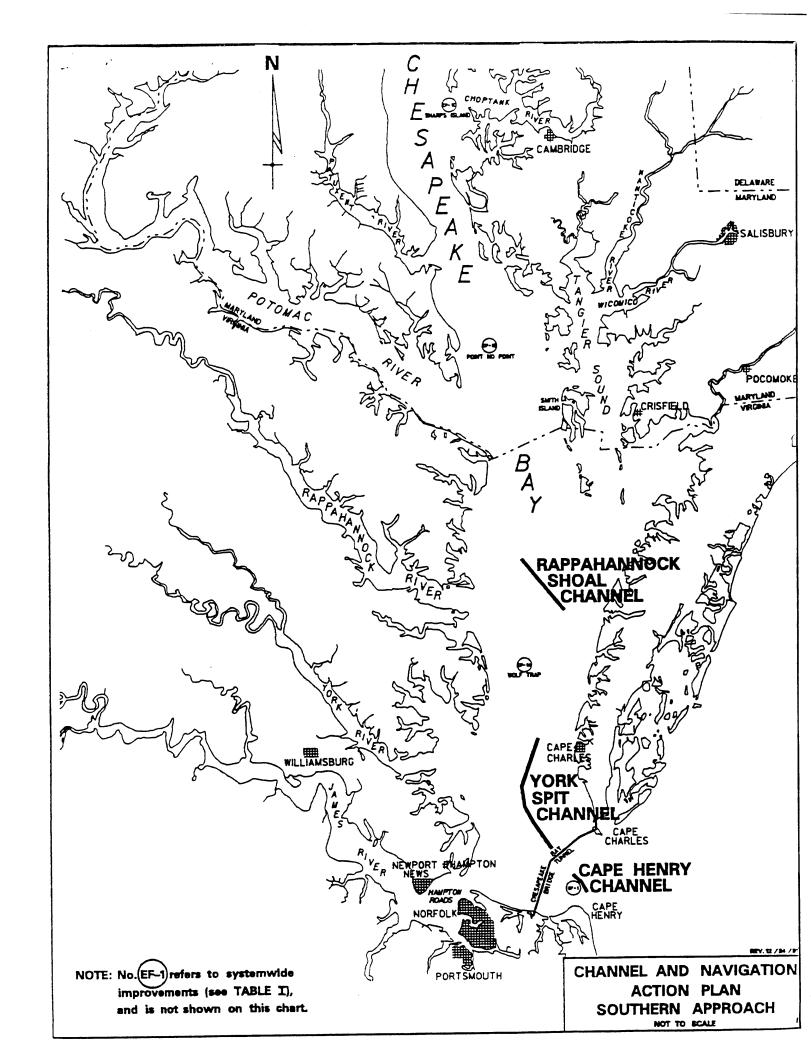
Frank Hamons

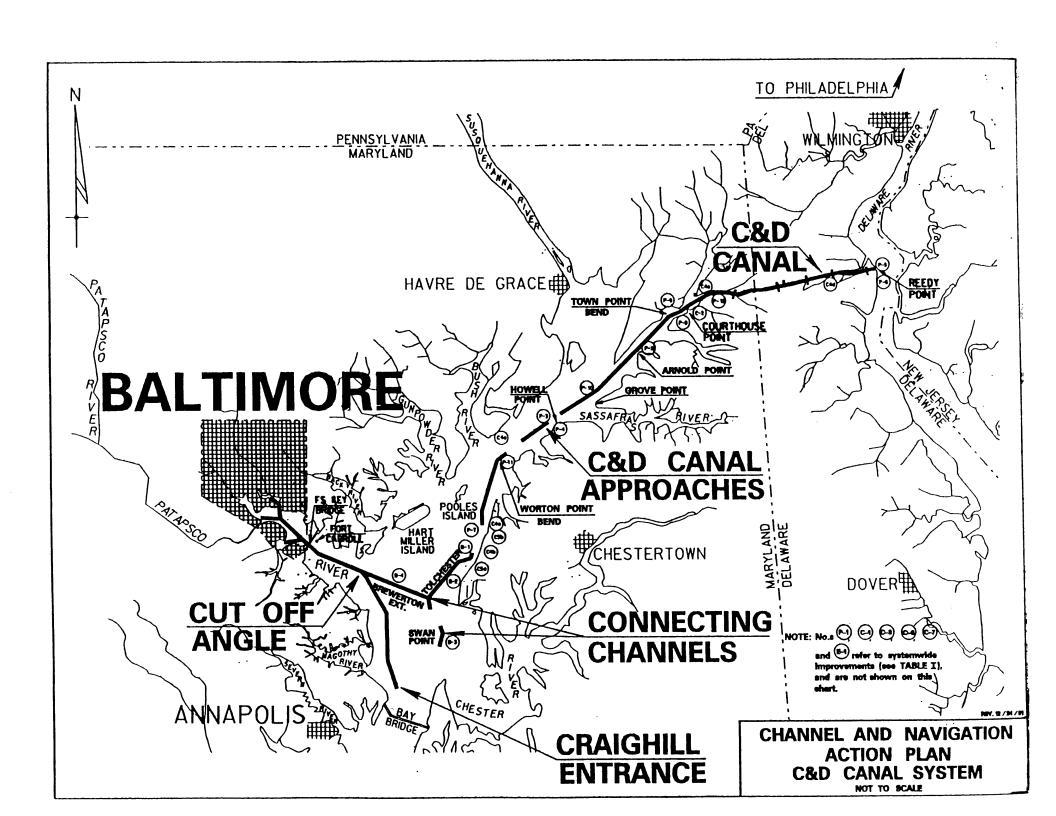
executiv:finch.agt

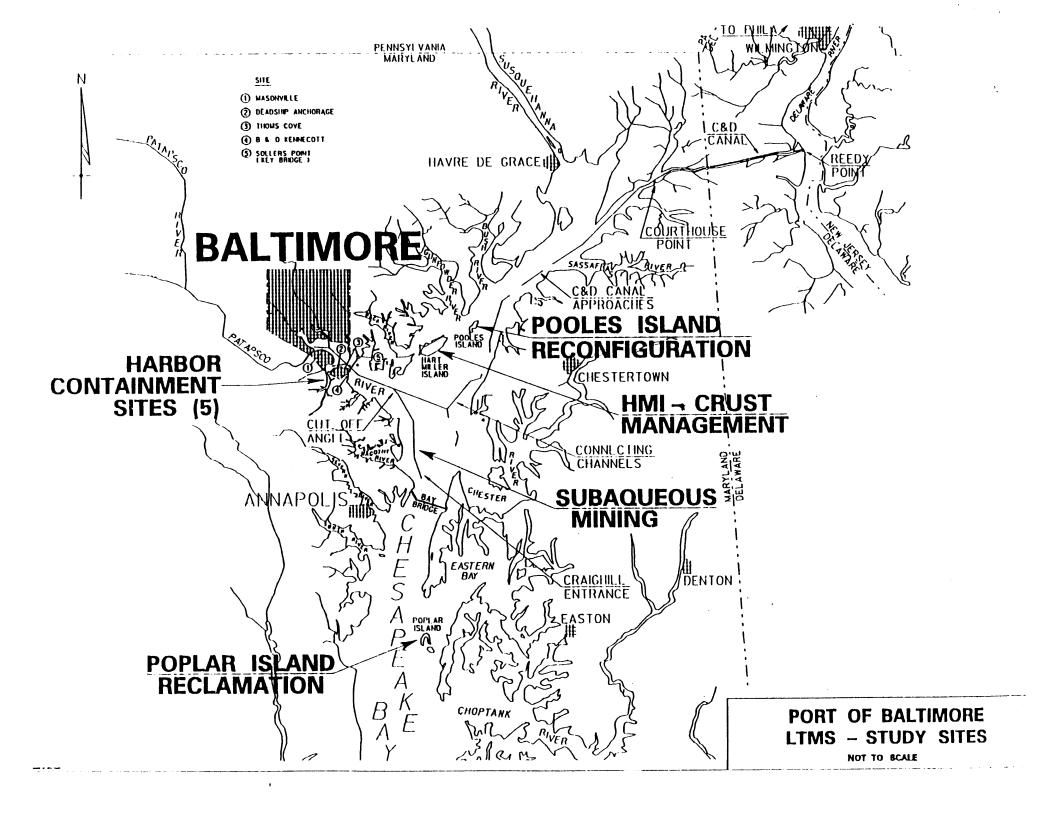
CHANNEL AND NAVIGATION ACTION PLAN TABLE I- OCTOBER 1991

(IN PRIORITY ORDER BY AGENCY)

Philadelphia District U.S. Army Corps of Engineers	Baltimore District U.S. Army Corps of Engineers	5th District U.S. Coast Guard	ELECTRONIC NAVIGATION Various Companies
C&D Canal. Approach Channel Improvements Traffic Management "(P-1) Canal Clearence time increesed to 3 hrs. Approach Channel (P-2) Establish emergency turn eround & anchorage at Arnold Point. (P-3) Improve Howell Pt. Anchorage. (P-4) Consider interim "traffic light" shift to Howell Point. Ready Point Entrance (Consult with Delaware Pilots) (P-5) Swing-outs for turning vessels entering at Reedy Point. (P-6) Improve anchorage area. Channel System Angles & Turns (P-7) Buoy 25 below Pooles Island (may be done by BCOE) (P-8) Courthouse Point	C&D. Connecting Channel Improvements Tolchester Channel (B-1) "S" Turn to be improved. (B-2) Deepen to 35'+2'+2'. Swan Point Channel (B-3) Deepen to 35'+2'+2'. Brewerton Extension Channel (B-4) Widen to 600 ft.	C&D Canal. Approach and Connecting Channels improvements *(C-1) Additional buoys for 1.5 mile maximum distance between sets. (C-2) Add Courthouse Pt. buoy. *(C-3) Improve existing ranges (program now underway but needs funding). (C-4) Add new ranges: a. Shad Battery (Approach Ch.) b. Mitchell Bluff (Connecting Ch.) c. Tolchester (Connecting) d. Reedy Point Entrance (In Canal) e. Little Welch Pt. Range (in canal) (C-5) Two (2) Turning lights to be adjusted, Tolchester; a and b. *(C-6) Foliage maintenance (for ranges on shore). *(C-7) Racon buoys (where appropriate).	C&D Canal System *(E-1) Differential GPS, Loran C (for precision channel position by vessels transiting system).
(P–9) Town Point (P–10) Grove Point (P–11) Worton Point (P–12) Sandy Point (in canal)	Fifty-Foot Channel Improvements Cape Henry Channel (BF-1)deepen to 50'+2'+2' or better to accommodate ocean swells and wave conditions.	Fifty-Foot Channel Improvements (CF-1) Additional buoys to mark shoals near naturally deep Bay channels; a. Wolf Trap b. Point No Point c. Sharps leland	Fifty-Foot Channel Improvements *(EF-1) Same as for C&D Canal System (#E-1 above). *Systemwide improvements not shown on bay charts







COMMITTEE ON THE BUDGET

COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION

COMMITTEE ON MERCHANT MARINE AND FISHERIES

ELECT COMMITTEE ON AGING

Congress of the United States

House of Representatives Washington, WC 20515-2002

July 7, 1992

ART
TRADE AND TOURISM
MARITIME
HUMAN RIGHTS

ENERGY TASK FORCE

Major General C.E. Edgar, III Acting Commander U.S. Army Corps of Engineers 20 Massachusetts Avenue, N.W. Washington, D.C. 20314

Dear General Edgar:

My staff has advised me of the continued discussions between the Maryland Port Administration (MPA) and the Army Crops of Engineers regarding MPA's harbor maintenance action plan. I appreciate the Corps' willingness to work with MPA on this important issue.

MPA is in the final stage of producing its short-term action plan. The projects listed on the attached page have been identified by the action plan as projects significant to the port for increasing safety and maintaining the economic viability of the port.

It is my understanding these projects can be done through routine operations and maintenance by the Corps, and do not have to have Congressional authorization. I would appreciate your office looking into these projects to determine when they can be completed through the Corps' routine maintenance operations.

As always, I appreciate your assistance with the MPA. If you have any questions or need further information, please feel free to contact me.

Sincerely,

Helen Delich Bentley

Member of Congress

HDB:wal Enclosure

LEASE REPLY TO:

WASHINGTON OFFICE:
1610 LONGWORTH BUILDING
WASHINGTON, DC 20515-2002
TELEPHONE: (202) 226-2061
FAX: (202) 225-4261

DISTRICT OFFICE:
200 EAST JOPPA ROAD
TOWSON, MD 21204
TELEPHONE: (410) 337-7222
FAX: (410) 337-0021

DISTRICT OFFICE:
7458 GERMAN MILL ROAD
DUNDALK, MD 21222
TELEPHONE: (410) 285-2747

DISTRICT OFFICE.
6 NORTH MAIN STREET
BEL AIR, MD 21014
TELEPHONE: (410) 879-2517

Maryland Port Administr ion Channel and Navigation Action Plan

PHILADELPHIA DISTRICT ARMY CORPS OF ENGINEERS:

- 1 Arnold Point Emergency Turn Around & Anchorage, C&D Canal. Increasing length from current 550 feet to 1,000 feet.
- 2 Howell Point Anchorage Improvement, C&D Canal.
- 3 Howell Point Traffic Light.
- 4 Increasing C&D Canal clearance time to three hours.
- 5 Construction of swing-outs for turning vessels entering the C&D Canal at Ready Point.
- 6 Ready Point Anchorage Improvement.
- 7 Improvement of Buoy 25, Courthouse Point Turn, Town Point Turn, Grove Point Angle, and Worton Point Turn, for ships up to 1,000 feet in length.
- 8 Sandy Point Turn and Shoreline Stabilization, C&D Canal.

BALTIMORE DISTRICT ARMY CORPS OF ENGINEERS:

- 1 Improvements at Tolchester Channel, including improved "S"
 turn and maintenance of 35'+2"+2'.
- 2 Maintaining Swan Point at authorized depth of 35 feet.
- 3 Study costs associated with widening the Brewerton Extension Channel to its authorized 600 feet width from its current 450 feet width.

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4 - Dredging of additional 2 feet overdepth in the Cape Henry approach, as authorized when the channel was established at 50 feet.

3720 DILLON STREET
BALTIMORE, MARYLAND 21224-5239 (410) 276-1337 FAX: (410) 276-1364
PRESIDENT'S FAX: (410) 276-4197
CABLE: MARPILOT BALTIMORE
TELEX: 87-574

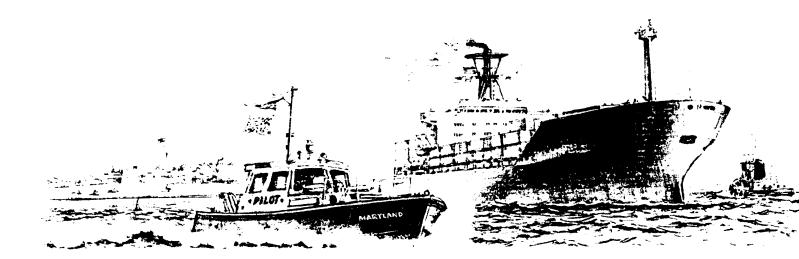
June 6, 1994

Colonel J. Richard Capka District Engineer U.S. Army Corps of Engineers Baltimore District Post Office Box 1715 Baltimore, MD 21203-1715

Dear Colonel Capka,

We are writing to request formally that action be taken on several issues of vital concern to our membership, to users of the port of Baltimore and to other port interests regarding dredging and navigation safety in the approach channels to the port of Baltimore. As you know, the Association of Maryland Pilots has been very active in working with the Corps of Engineers, the Coast Guard, NOAA, the Maryland Port Administration and private shipping interests to find ways to improve the northern approach channels to the port from the Chesapeake and Delaware Canal. In order to provide adequate channel dimensions and water depths for large deep-draft vessels, we are participating in long-term federal studies of the channel system and anchorages, but have also developed an action plan with the Maryland Port Administration to address more urgent and immediate needs in maintaining and improving navigation safety.

We are, therefore, requesting immediate action and your support on the following items: (1) Tolchester Channel straightening, (2) Brewerton Channel Eastern Extension widening and (3) Poplar Island Beneficial Use Project for the placement of dredged material. These projects are of high priority and address the navigational needs of vessels calling at the port, as well as the long term need for dredging.



Colonel J. Richard Capka June 6,1994 Page Two

TOLCHESTER CHANNEL

Initially Tolchester Channel was designed to utilize natural deep water in order to minimize dredging costs and allow for increases in vessel loads. This resulted in the creation of an "S" turn at the northern end of the channel. As vessel size has increased, the "S" turn has become more difficult and groundings have resulted. Subsequent modifications and additional buoys have addressed the problem, but only in part. Pilots continue to report close calls and near misses, especially during periods of reduced visibility and during winter ice. A straightened channel will have many advantages, which we have discussed with the Maryland Port Administration, the Coast Guard and with your staff, but which in the interest of brevity we will not reiterate here. If you have need for more detailed information we will be happy to provide it.

BREWERTON CHANNEL EASTERN EXTENSION

Widening this channel to 600 feet was authorized under the Baltimore Fifty Foot Channel Project and should be reactivated. This channel section is only 450 feet in width, a width that lies well below Corps of Engineers criteria for channel design, especially since the area is exposed to high winds and cross currents. We consider this another extremely important safety issue and a high priority issue.

POPLAR ISLAND BENEFICIAL USE PROJECT

In view of the long term needs to maintain and improve the channel systems serving the port of Baltimore, beneficial use projects such as proposed for Poplar Island will demonstrate to both environmental and commercial interests the advantages in developing acceptable programs for an activity generally viewed as problematic. Support and funding by the Corps for the project is most important.

The northern approach channels from the Chesapeake and Delaware Canal to Baltimore form part of an important waterway serving the port. The channel system is used by some of the world's largest containerships and autocarriers and many other vessels. As ships have grown in size the need to make minor modifications in the channel system became apparent, and with the cooperation and guidance of the Corps of Engineers some of those modifications have been achieved. But other problem areas remain, and we request your support and guidance in making these further modifications. We have also met with members of the Maryland Congressional delegation to enlist their

Colonel J. Richard Capka June 6, 1994 Page Three

efforts in providing funding and authorization for these projects. We will be happy to meet with you and your staff to discuss these issues, and if you need any further information we will provide it if possible.

Yours truly,

Captain Michael R. Watson

President

3720 DILLON STREET
BALTIMORE, MARYLAND 21224-5239 (410) 276-1337 FAX: (410) 276-1364

PRESIDENT'S FAX: (410) 276-4197 CABLE: MARPILOT BALTIMORE TELEX: 87-574

June 7, 1994

RADM W. Ted Leland Commander, Fifth Coast Guard District United States Coast Guard Federal Building 431 Crawford Street Portsmouth, VA 23704-5004

Dear Admiral Leland,

I am writing to request your support in our efforts to improve navigation safety in the Chesapeake Bay, specifically in an area at the north end of the Tolchester Channel. As you can see on the enclosed chart section, the northern end of the channel presents what we refer to as an "S" turn requiring vessels to maneuver through five course changes in about three miles. The "S" turn is a consequence of using the natural deep water in the area to reduce dredging costs when the approach channels to the Chesapeake and Delaware Canal were deepened to 35 feet in 1975. Since that time, with increases in vessel size, minor modifications were made to reduce the severity of the turns and provide greater maneuvering areas. Nonetheless, two groundings occurred about three years ago, and while additional buoys helped alleviate the problems somewhat, our pilots continue to report near misses and difficulties in maneuvering, especially in reduced visibility and during winter ice conditions.

We therefore have proposed that Tolchester Channel be redesigned as a straight channel as shown on the chart section enclosed. The U.S. army Corps of Engineers has responded to that proposal and views it as new work, which will require a study and lengthy analysis of economic benefits vis a vis cost, et cetera. Although a study of the C&D Canal and approach channel system has been underway for several years and this proposal included in the study, the likelihood of bringing this project to fruition under this process is remote. The average time from conception to completion of new work in the United States is historically 21.6 years. The C&D Canal Study was authorized in 1988 and we are still in the feasibility phase of the process was about two more years to go. Clearly, this will not address what we see as an urgent of

RADM W. Ted Leland June 7, 1994 Page Two

As an alternative we are requesting the Maryland Congressional Delegation to seek Congressional authorization and funding for the project in order to fast-track the process. We believe Coast Guard's support of this proposed modification will be important to its success. The following points may convince you that our proposal is a sound one.

- O Channels are normally designed as straight sections connected by angles. This minimizes turning and allows vessels to track along a straight line.
- o Present configuration requires vessels to alter course approximately five times in a three mile section. In maneuvering large vessels this is not desirable
- o Anticipated increases in draft will increase the degree of difficulty in maneuvering through this area.
- o In reduced visibility or dense fog vessels engaged in almost continuous turning have difficulty in orienting themselves relative to the buoy positions.
- o In reduced visibility when radar is used, due to the proximity of Tolchester Marina small boats in the area can be confused with the buoys.
- A conventionally designed channel will permit gated pairs of buoys and a standard turn angle of the north end with a course change of only 15 degrees. In terms of safe maneuvering this is much more desirable than the present configuration with multiple course changes.
- A straight channel will allow Coast Guard to establish range lights for the entire channel length. Range lights or leading lights are an invaluable aid to navigation, especially when heavy winter ice covers the buoys. Under the present configuration ranges cannot be established for the upper three miles of the channel.
- Winter ice packs quite heavily in the area close to the shoreline. Present configuration requires that vessels pass through the heaviest ice with channel markers often submerged and out of sight. Ice radically degradates the turning ability of vessels.

RADM W. Ted Leland June 7, 1994 Page Three

We anticipate using the new Differential Global Positioning System (DGPS) in the very near future to aid pilots in maneuvering through the Chesapeake Bay channel systems. DGPS can provide cross-track error and distance to course changes or way points. But in an area such as this, where course changes are frequent, reliability of the system will be diminished.

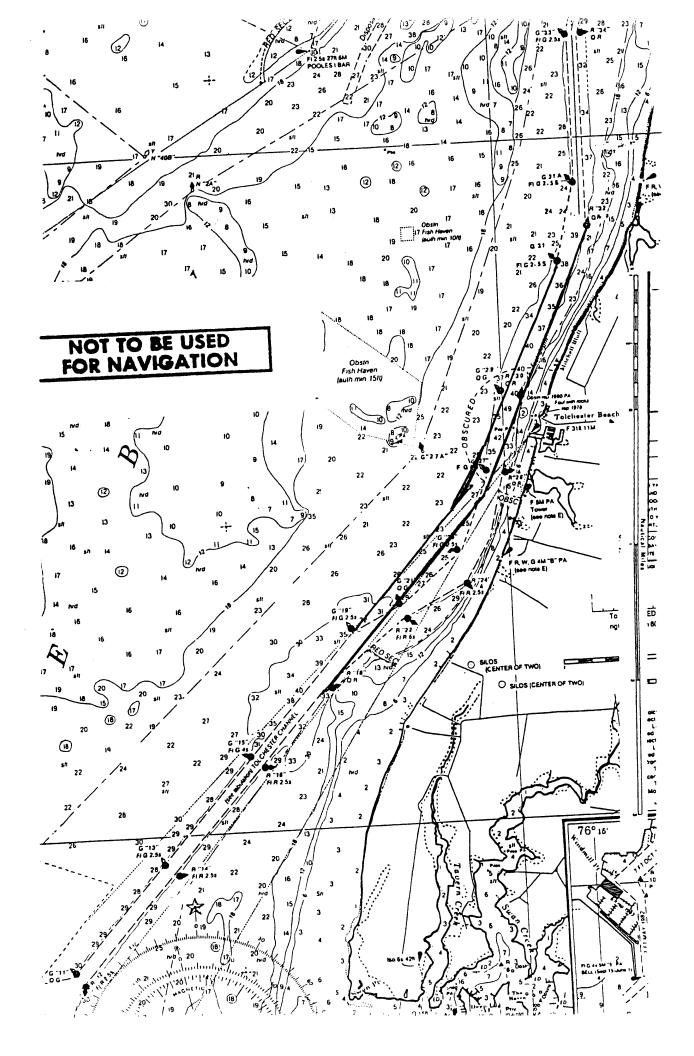
Despite the estimated cost of \$12 million, we believe our proposal to be important for navigation safety and our request to be a reasonable one. We respectfully request your support in convincing Congress and the Corps of Engineer to move quickly to improve this channel section. We thank you in advance for any assistance you may offer.

Yours truly,

Captain Michael R. Watson

M. R Water

President



Coast Guard

431 Crawford Street Portsmouth, VA 23704-5004 Staff Symbol: (oan) Phone: (804) 398-5230

16500

AUG 2 6 94

Captain Michael R. Watson, President Association of Maryland Pilots 3720 Dillon Street Baltimore, Maryland 21224-5239

Dear Captain Watson:

I am responding to your letter of June 7, 1994, to Rear Admiral W. Ted Leland requesting the Fifth Coast Guard District support the expeditious lengthening of Tolchester Channel.

In principle, I agree that a straight channel is inherently safer than a channel with multiple turns. We will assist you by providing the best aids to navigation that efficient operations allow in the area of the Tolchester "S" turn. This past winter has reminded us that floating aids to navigation do suffer at the whims of Mother Nature and that buoys submerged by a moving ice pack are unusable aids to navigation.

I support your efforts to have the Tolchester Channel straightened and will work with Brigadier General Chinen, Commander, U.S. Army Corps of Engineers North Atlantic Division, to achieve a better channel.

To gain first hand knowledge of the operating constraints of the Tolchester Channel, I hope you can arrange a transit through the area for me aboard a Panamax-sized vessel. Captain Jon Vaughn, Chief of my Aids to Navigation and Waterways Management Branch, (804) 398-6223, can work with you on making arrangements for the transit.

Thank you for sharing your concerns for safe navigation with me. The Association of Maryland Pilots has a long history of working with the Fifth Coast Guard District to ensure safe transits of Chesapeake Bay. I look forward to continuing this endeavor and to sailing with you.

Sincerely,

W. J. ECKER

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District

Het Operation

U.S. Department of Transportation
United States
Coast Guard

Commander Fifth Coast Guard District 431 Crawford Street Portsmouth, VA 23704-5004 Staff Symbol: (oan) Phone: (804)398-6230

- Til Post mit

16500 26 AUG 1994

BGEN Paul Y. Chinen Commander North Atlantic Division U.S. Army Corps of Engineers 90 Church St

New York, NY 10007-2979

Dear General Chinen:

DEGELVED 1 SEP 01 1994 Openations - MO

In a letter dated June 7, 1994, Captain Michael Watson, President of the Association of Maryland Pilots, requested my support for the straightening of an "S" turn in Tolchester Channel -- an approach channel to the C&D Canal located in Maryland waters. I have enclosed a copy of his letter and my response to him.

I note the Corps' efforts to deepen the approaches to the C&D Canal and appreciate the decisions involved with placing the resources of the United States in the best location considering the budgetary environment under which we operate. Besides the commercial benefits to accrue to the port of Baltimore, we are entrusted to provide a safe and environmentally responsible transportation system. The "S" turn in Tolchester Channel presents one of the most difficult navigational challenges to a large ship within the Fifth Coast Guard District. As you are aware from this past winter, floating aids to navigation are sometimes lost from view as they submerge in ice packed waters. With the "S" turn removed, and a range installed to mark the centerline, we will jointly assure waterway users that the waterways of our respective regions provide the best year-round service available to promote United States' competitiveness.

To this end, I support your efforts to gain authority for improving the Tolchester Channel. If I may be of additional assistance please let me know.

Sincerely,

W. J. ECKER

Rear Admiral, U.S. Coast Guard Commander, Fifth Coast Guard District

Encl: June 7, 1994 ltr from Association of Maryland Pilots

August 26, 1994 ltr to Association of Maryland Pilots

Copy: Captain Michael Watson,

President, Association of Md Pilots

Captain Greg Cope, CG MSO Baltimore

LCol Randall R. Inouye, CDRUSAED Baltimore

LCol Richard F. Sliwoski, CDRUSAED Philadelphia



DEPARTMENT OF THE ARMY BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS P.O. BOX 1715

BALTIMORE, MD 21203-1715

REPLY TO ATTENTION OF

June 3, 1996

Operations Division

SUBJECT: Proposed New Work Dredging Baltimore Harbor and Channels, Maryland - 42-Foot Project - Tolchester Channel Realignment

PUBLIC NOTICE - B-96-3

TO WHOM IT MAY CONCERN:

Pursuant to Sections 313 and 404 of the Clean Water Act of 1977 (33 USC 1323 and 1344), NOTICE IS HEREBY GIVEN THAT PENDING HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS APPROVAL AND THE AVAILABILITY OF FUNDS, the Baltimore District, U.S. Army Corps of Engineers, proposes to perform new work dredging of the Baltimore Harbor & Channels 42-Foot Federal navigation project.

The plans and location of the proposed work are shown on the enclosed map. The work consists of performing new work dredging to straighten and realign the northern portion of the Tolchester Channel to improve navigation safety. The realigned channel will be dredged to the authorized project dimensions of 35 feet deep and 600 feet wide. The dredging will include two feet of advanced maintenance dredging and two feet of allowable overdepth dredging.

Approximately 3,000,000 cubic yards of material consisting primarily of mud, silt, sand, shell and mixtures thereof would be dredged by clamshell and scow, hydraulic pipeline, and/or hopper dredge. The State of Maryland will provide the 1,140-acre Hart-Miller Island dredged material containment facility located in the upper Chesapeake Bay near the mouth of Back River in Baltimore County for the deposition of material from the proposed dredging. In order to maximize drying and consolidation of the material at Hart-Miller Island, dredging will be scheduled to take place between October and March.

The sediment to be dredged has been tested in accordance with criteria promulgated by the Environmental Protection Agency as published in Title 40 of the Code of Federal Regulations, Section 230, to insure the suitability of the sediment for depositions in the Hart-Miller Island Containment facility. Dredged material previously removed from the Tolchester Channel has been considered satisfactory for deposition at Hart-Miller Island by the Regional Administrator, Environmental Protection Agency. The State of Maryland has indicated that the placement area and the placement operations will be monitored before, during, and after the proposed work.

The proposed methods of dredging and placement of material are addressed in and consistent with the Final Environmental Impact Statement and accompanying Supplemental Information - Operation & Maintenance of Baltimore Harbor & Associated Channels, Maryland & Virginia filed with the Council on Environmental Quality on January 10, 1975 and January 9, 1976, respectively; the Final Environmental Impact Statement for the Hart-Miller Island Diked Disposal Area, filed with the Environmental Protection Agency in 1974; and the Final Environmental Impact Statement - Proposed Plan for Completing the Navigation Improvements, Authorized by the 1958 River and Harbor Act for the Baltimore Harbor and Channels, Maryland and Virginia, filed with the Environmental Protection Agency on November 21, 1979. Additional data is being collected to prepare the National Environmental Policy Act (NEPA) documentation addressing the environmental issues of the proposed dredging and placement operations.

may be affected and the manner in which the interest may be affected by this activity.

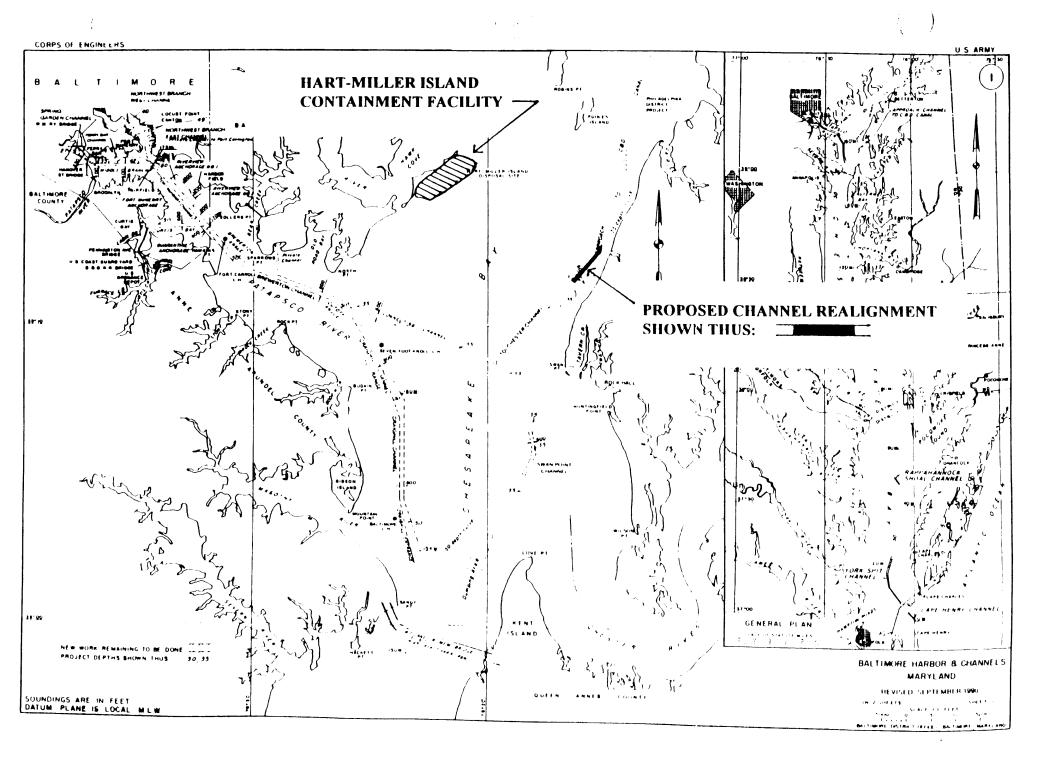
Written comments regarding the proposed work and related factors described above must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715 within the comment period specified above to receive consideration. Please contact Mr. Jeffrey McKee at (410) 962-5657 if there are any questions regarding the proposed work.

A Water Quality Certification will be required from the Department of the Environment for this project. This certification is required under Section 401 of the Clean Water Act. Any written comments or questions regarding water quality considerations involved with this project should be directed to the Division of Standards and Certifications, Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224, telephone (410) 631-3603.

Please communicate the foregoing information concerning the proposed work to any persons known by you to be interested, and who not being known to this office, do not receive a copy of this notice.

John P./O'Hagan, P.E. Chief, Operations Division

Enclosure
Map of Dredging Area and
Dredged Material Placement Area



REPLY TO ATTENTIO

DEPARTMENT OF THE ARMY BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS P.O. BOX 1715

BALTIMORE, MD 21203-1715 June 3, 1996

ATTENTION OF Operations Division

Dr. Sarah Taylor-Rogers
Assistant Secretary for Resource Management
Maryland Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dear Dr. Taylor-Rogers:

I am writing regarding the proposed straightening of the Tolchester Channel of the Baltimore Harbor & Channels 42-Foot Federal navigation project.

The River and Harbor Act of July 3, 1958, authorized a connecting channel 35 feet deep and 600 feet wide between the main approach channels to Baltimore Harbor and the approach channels to the Chesapeake and Delaware Canal. The Tolchester Channel was constructed to 35 feet deep and 450 feet wide in FY 68. The channel was aligned to take advantage of the naturally deep water in the Chesapeake Bay along the eastern shore and, therefore, changes course several times (called the "S-Turn") just south of the Tolchester Marina near the northern end of the channel. The channel was widened to its authorized width of 600 feet in 1981 and the turns were widened several times to provide additional navigation safety. The Maryland Port Administration and the Association of Maryland Pilots request that the S-Turn be straightened since the combination of three to five course changes within a three-nautical mile section of channel; the naturally deep water occurring within a distance of 1000 feet of the shoreline; and the periodic adverse weather conditions such as high winds, fog, ice, and thunderstorms make navigation of the S-Turn difficult.

The proposed dredging would provide a new straight channel 35 feet deep and 600 feet wide to improve navigation safety. The dredging requires the removal of approximately 3,000,000 cubic yards of material and includes 2 feet of advanced maintenance dredging and 2 feet of allowable overdepth dredging. The State of Maryland designated the Hart-Miller Island containment facility for the deposition of the dredged material. A map of the proposed dredging and placement areas is enclosed.

The sediments were analyzed to determine the chemical concentrations in accordance with the "Evaluation of Dredged Material Proposed for Discharge in Waters of the U.S. - Testing Manual" (draft), U.S. Environmental Protection Agency and the Department of the Army, U.S. Army Corps of Engineers, June 1994. The test results are included in the Draft Data Report - FY 1995 Sediment Sampling and Chemical Analysis for Baltimore Harbor and Chesapeake Bay, Maryland, February 1996 which was enclosed in my March 25, 1996 letter.

In accordance with the National Environmental Policy Act of 1969, we request that you submit baseline environmental information within your area of expertise in order to prepare the necessary environmental documentation for the proposed dredging. This work is being coordinated with the National Marine Fisheries Service, U.S. Fish & Wildlife Service, U.S. Environmental Protection Agency, Maryland Department of the Environment and the Maryland Historical Trust. Please provide your comments on the proposed dredging before July 5, 1996.

Please call me at (410) 962-5657 if you have any questions regarding this matter.

Sincerely,

Jeffrey A. McKee Project Manager Operations Division

Enclosure

Copy Furnished:

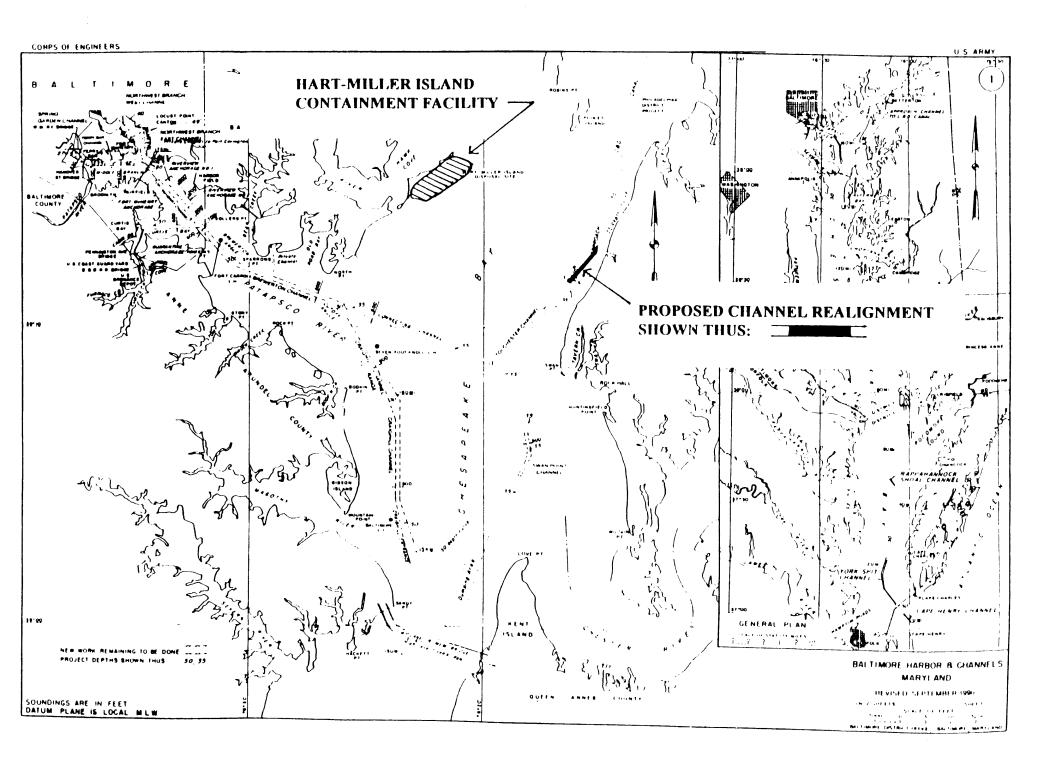
Mr. Ray Dintaman, Jr.
Director, Environmental Review, B-3
Resource Management Services
Maryland Department of Natural Resources
Tawes State Office Building
Annapolis, Maryland 21401

Dr. Peter Dunbar Power Plant & Environmental Review Division Maryland Department of Natural Resources Tawes State Office Building 580 Taylor Avenue Annapolis, Maryland 21401

Mr. Frank Hamons
Manager, Harbor Development
Maryland Port Administration
The Maritime Center II
2310 Broening Highway
Baltimore, Maryland 21224-6621

Mr. James Peck Director Maryland Environmental Service 2011 Commerce Park Diver Annapolis, Maryland 21401

Ms. Marni Dolinar
Project Manager
Hart-Miller Island
Maryland Environmental Service
2011 Commerce Park Drive
Annapolis, Maryland 21401



Identical letter sent to:

Mr. John Wolflin
Field Supervisor
U.S. Fish & Wildlife Service
1825 B. Virginia Street
Annapolis, Maryland 21401

CF:

Mr. Howard Larsen
Regional Director
U.S. Fish & Wildlife Service
300 Westgate Center Drive
Halley, Massachusetts 01035-9589

Mr. Richard B. Roe
Regional Director
Department of Commerce
NOAA
National Marine Fisheries Service
1 Blackburn Drive
Gloucester, Massachusetts 01930-2298

CF:

Mr. Timothy Goodger
Assistant Regional Director
National Marine Fisheries Service
Oxford Biological Laboratory
Oxford, Maryland 21654

Mr. Richard Pepino
Chief, Environmental Assessment Branch
U.S. Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19107

CF:

Mr. W. Michael McCabe
Regional Administrator
U.S. Environmental Protection Agency
Region III
841 Chestnut Street
Philadelphia, Pennsylvania 19107

Mr. J. L. Hearn
Director
Water Management Administration
Maryland Department of the Environment
Building 30, First Floor
2500 Broening Highway
Baltimore, Maryland 21224

CF:

Mr. Ken Pensyl
Water Management Administration
Maryland Department of the Environment
2500 Broening Highway
Baltimore, Maryland 21224

Mr. Gary Setzer
Wetlands & Waterways Program
Maryland Department of the Environment
Tawes State Office Building
580 Taylor Avenue
Annapolis, Maryland 21401

Mr. Michael Haire Director Technical and Regulatory Services Administration Maryland Department of the Environment 2500 Broening Highway Baltimore, Maryland 21224

Mr. J. Rodney Little State Historic Preservation Officer 100 Community Place Crownsville, Maryland 21032

Mr. Emery T. Cleaves Director Maryland Geological Survey 2300 St. Paul Street Baltimore, Maryland 21218

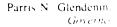
CF:

Mr. Jeffrey P. Halka Maryland Geological Survey 2300 St. Paul Street Baltimore, Maryland 21218



Public Nonce B-96-3

DATE:
PROJECT NAME/NUMBER(S): Tolcheoles Channel Realignment / Bredge
STATE CLEARINGHOUSE WETLAND PUBLIC NOTICESV CORPS OF ENGINEERS
APPLICANT: US army Corps of Engineers
COUNTY: Baltmore County
DESCRIPTION: Dredging + realizament of Tolchester Channel Baltimore Harbor
TO: Mr. Louis H. Ege, Jr., Deputy Director, Office of Planning and Preliminary Engineering, Project Planning Division Mr. Steven R. McHenry, Assistant Division Chief, Baltimore Region - Regional and Intermodal Planning Division
District Engineer(s) - State Highway Administration District 4, Mr. David Malkowski (Baltimore, Harford) District 7, Mr. Robert L. Fisher (Carroll)
FROM:
Mr. Douglas H. Simmons Chief, Regional and Intermodal Planning Division
SHA has received the attached request(s) for review and comments. Please provide an official response from your office and/or division.
In order to meet the deadline for response, your comments should be returned to my office no later than <u>Jume</u> 20, 1996.
Please advise Ms. Frances M. Ward by phone of any delays. Ms. Ward can be reached at (410) 545-5677.
REVIEWED RESPONSE (Please check number below)
 Consistent with our plans, programs or objectives. Consistent with our plans, programs or objectives, but comments are indicated below. Additional information is required as indicated below. Not consistent with our plans, programs or objectives as indicated below.
Comments:
Signature: Date: 4/17/4



Patricia J. Pavns Secretary, DHCI



Archaeology Office

Jeffrey A. McKee, Project Manager Operations Division Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203-1715

Mr. McKee:

This office has reviewed the following Corps permit. The project listed below has been found to represent an insufficient threat to submerged cultural resources to necessitate an archaeological investigation. Our office, therefore, has no objections to the issuance of the following permit:

Straightening of the Tolchester Channel

We would request, however, that if archaeological material (i.e. ceramics, glass, metal, projectile points, pot sherds, and/or wood such as beams, frames, keels, planks, etc.) be uncovered in the course of these undertakings that this office be notified and our staff given an opportunity to visit the site to evaluate the material.

Thank you for your cooperation and assistance. If you have any questions or require further information, please contact Dr. Susan Langley at (410) 514-7662 or Mr. Bruce F. Thompson at (410) 514-7663.

Sincerely.

June 27, 1996

Stephen R. Bilicki

Underwater Archeologist

SRB 9602309

Mr. Joseph McNamara

Ms. Judith Kremen Mr. John W. McGrain





THE STATE TO STATE TO

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III

841 Chestnut Building Philadelphia, Pennsylvania 19107-4431

JUN 2 R 1996

Mr. Jeffrey A. McKee Project Manager Operations Division Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203-1715

RE: The Baltimore Harbor & Channels 42-Foot Federal Navigation Project in the Tolchester and Brewerton Channels

Dear Mr. McKee:

EPA has reviewed your letters of May 31, 1996 and June 3, 1996, both requesting scoping comments for preparation of an Environmental Assessment (EA) to address the potential environmental effects from the proposed dredging in each of the projects referenced above. The proposed dredging of the Tolchester Channel would provide a new straight channel 35 feet deep and 600 feet wide, and it would require the removal of approximately 3,000,000 cubic yards of material. The proposed widening of a 5 mile segment of the Brewerton Channel would require the removal of approximately 2,500,000 cubic yards of material. The Hart-Miller Island containment facility has been designated for the deposition of the dredged material.

The purpose of the EA document is to provide a full and fair discussion of significant environmental impacts and to inform the public of the reasonable alternatives which would avoid or minimize adverse impacts or enhance the quality of the human environment. The document is a decision making tool for the determination of a preferred alternative and whether to proceed with the proposed project. The document should include:

Purpose and Need For Project

Describe the underlying need for the project in detail, including economic, technical, and other reasons for proposing this project.

Alternatives

The Council on Environmental Quality (CEQ) National Environmental Policy Act (NEPA) Implementation regulations (40 CFR 1502.14 (b)) states that agencies shall devote

substantial treatment to each alternative considered in detail so that reviewers may evaluate their comparative merits. In the discussion of alternatives, explore and objectively analyze all reasonable alternatives meeting the need for the project. Include an explanation why any reasonable alternative was eliminated from detailed study. Present the alternatives in a form that allows easy comparison. Also, when evaluating each alternative, we recommend that the alternative site with the least environmental impacts be considered for implementation.

Environmental Impacts

In the EA, thoroughly describe all environments impacted by the proposed activity, including the project area and other areas that might be affected either directly or indirectly. Special attention should be paid to natural habitats such as forest and wetlands, parklands, recreational lands, and waterways. Discuss the socio-economic and cultural status of the area.

Threatened and Endangered Species

In the EA, identify any Federally or State listed threatened or endangered species inhabiting the study area. The potential impacts to these species should be thoroughly described in the Environmental Consequences section. If an endangered species will be impacted by the project, the U.S. Fish and Wildlife Service should be consulted.

Secondary and Cumulative Impacts

EPA suggests that secondary and cumulative impacts be addressed in the document. This section should cover anticipated growth as the result of the proposed action. The CEQ regulations require the evaluation of the indirect impacts of the proposed project and the significance of those impacts. Indirect impacts are defined by 40 CFR 1508.8 (b) as "those effects which are caused by the action and are later in time or farther removed in distance but are still reasonably foreseeable." Indirect effects may include growth inducing effects related to changes in the patterns of land use, population density or growth rate, and related effects on air, water, increased traffic, or expanded utilities.

Dredging Impacts/Disposal Alternatives

EPA is concerned with the amount of material proposed to be placed in the Hart-Miller Island containment facility. As you know, Hart-Miller is very near to capacity and EPA believes that the remaining space should be reserved for contaminated dredged material that cannot be deposited elsewhere. EPA concurs with the need to place the material dredged from Brewerton Channel in Hart-Miller Island, as historically these areas have sediments with various contaminants that would make the material unsuitable for beneficial use purposes or overboard disposal. However, Tolchester Channel is far enough removed from known sources of contamination and with the appropriate verification, the material dredged from this area could be used for beneficial use purposes or deposited elsewhere. With the cost sharing provisions of the Water Resources Development Act (WDRA) of 1986 for beach nourishment

[§933] and environmental restoration [§904] and under §904 of WDRA 1992 for beneficial uses, it is even economically advantageous as well as environmentally suitable.

EPA encourages the COE to investigate the beneficial use potential for the material dredged from the Tolchester Channel. One possibility is the use of a portion of the material for the Poplar Island beneficial use project. EPA had the opportunity to comment on the Draft Environmental Assessment (EA) for Poplar Island Test Containment Dike Construction and saw that some of the material used for the test would be placed in a geotextile tube. While some of the material from the Tolchester Channel may be incompatible for sand dikes or beach nourishment purposes, the material could be used for filling the geotextile tube. Other possibilities include salt pond restoration and salt pond rehabilitation or other types of habitat creation. If the material is found to be unsuitable for these types of uses, EPA recommends that the material from Tolchester Channel be placed at the overboard disposal site at Poole's Island.

Thank you for the opportunity to participate in the early NEPA scoping phase of this project. If you have any questions please call me at (215) 566-2721 or have your staff contact Brigette Farren at (215) 566-2767.

Sincerely.

John Forren

NEPA Program Manager



Parris N. Glendening Governor

Maryland Department of Natural Resources

Environmental Review Tawes State Office Building Annapolis, Maryland 21401 John R. Griffin
Secretar

Carolyn D. Davis
Deputs Secretars

July 8, 1996

Mr. Jeffrey A. McKee Project Manager, Operations Division U.S. Army Corps of Engineers, Baltimore District P.O. Box 1715 Baltimore, Maryland 21203-1715

RE: Proposed Widening of the Brewerton Channel Eastern Extension and Straightening of the Tolchester Channel in the Chesapeake Bay: Chesapeake Bay Area

Dear Mr. McKee:

The above referenced projects have been reviewed by the Department of Natural Resources for associated ecological impacts. In the first project, the U.S. Army Corps of Engineers proposes to widen the five miles of the Brewerton Channel Eastern Extension not widened in 1991 from the current width of 450 feet and 35 foot depth to a width of 600 feet and a 35 foot depth plus 2 feet of advance maintenance dredging and 2 feet of allowable overdepth dredging to improve navigational safety. A total of about 2.5 million cubic yards of material would be removed and deposited in the Hart-Miller Island Containment Facility. The second project proposed by the U.S. Army Corps of Engineers is the straightening of the Tolchester Channel Eastern to remove the "S-Turn" just south of Tolchester Marina near the northern end of the channel. The new channel would be dredged to the same width (600 feet) and depth (35 foot) as the current Tolchester Channel plus 2 feet of advance maintenance dredging and 2 feet of allowable overdepth dredging to improve navigational safety. A total of about 3,000,000 cubic yards of material would be removed and deposited in the Hart-Miller Island Containment Facility.

The proposed areas of dredging activity are within excellent fishing areas heavily utilized by Chesapeake Bay sport fishermen during the Fall striped bass season. Past experience has demonstrated that the fishing grounds north of the Bay Bridges offer prime fishing in October with

Mr. Jeffrey A. McKee July 8, 1996 Page 2

many boats and anglers participating in the fishery. To avoid potential conflicts with sportfishing activities, the Department of Natural Resources requests that the proposed dredging for both projects be conducted during the period November 1 through March 31. Delaying the start of dredging until November 1st would minimize dredging activity in areas of heaviest fishing pressure during October, and as the Fall fishing season progressed, the fish and fishermen would be tending to move down the Bay and away from the proposed dredging sites.

Should you require additional information on this project, please feel free to contact Roland Limpert of my staff at (410) 974-2788.

Sincerely.

Ray C. Dintaman, Jr., Director Environmental Review Unit

Kay C. Dintaman in

RCD:RJL

cc:

P. Massicot, DNR-RAS

D. Leonard, DNR-FS

H. King. DNR-FS

E. Ghigiarelli, MDE



United States Department of the Interior

FISH AND WILDLIFE SERVICE Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis. MD 21401 July 9, 1996

Colonel Randall R. Inouye District Engineer U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Attn: Jeffrey McKee

Re: Tolchester Channel Realignment

Dear Colonel Inouye:

This responds to Public Notice B-96-3, dated June 3, 1996, and Mr. McKee's letter also dated June 3, requesting comments on the proposed realignment of the Tolchester Channel of the Baltimore Harbor and Channels Federal navigation project. The proposed work involves dredging a new straight channel to replace the existing S-turn section. Approximately 3,000,000 cubic yards of material would be dredged and deposited in the Hart-Miller Island containment area. The following comments are submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

A variety of recreationally and commercially important fishes occur in the area. These include, for example, striped bass, white perch, bluefish, channel catfish, American eel, spot, croaker, American shad, alewife, and blueback herring. The area is not an important spawning area although the larvae of such species as bay anchovy, Atlantic silverside and others may occur. Blue crabs are fairly common. Four charted oyster bars, NOB 2-4, NOB 2-5, NOB 2-9, and NOB 3-3 are located within one half mile of the relocated channel.

Recent sampling conducted in the fall of 1995 and spring of 1996 by Dr. Ed Houde of the University of Maryland's Chesapeake Biological Laboratory disclosed the presence of a large concentration of juvenile blue crabs (20-50 mm in length) in the vicinity of the main navigation channel within the turbidity maximum zone in the upper Chesapeake Bay. The crabs were particularly concentrated just above the tip of the salt wedge which varied in location from near Still Pond in the fall of 1995 to near Tolchester in May 1996. This distribution has not been previously reported. Additional sampling to be conducted over the course of this 5-7 year study should determine whether this was an isolated occurrence or part of a more consistent pattern.

Except for occasional transient individuals, no Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation pursuant to the Endangered Species Act of 1973 is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

In this region of the bay it is becoming increasing difficult to locate environmentally acceptable sites for disposal of the tremendous volume of material being dredged from the navigation channels. Therefore, new projects should be carefully scrutinized before proceeding. The present project was recently evaluated by the Philadelphia District as part of the Chesapeake and Delaware Canal-Baltimore Harbor Connecting Channels Feasibility Study. The draft feasibility report dated January 1996 concluded that the Tolchester realignment was not economically justified as the benefit cost ratio was only 0.19. The report did state, however, that additional evaluation of the project was warranted due to the urgency of safety concerns and the potential for more detailed analyses to demonstrate savings from reduced shoaling in the new channel. Given this review the Service is concerned that the District's Public Notice announcing this work is premature.

We understand that the Waterways Experiment Station is conducting additional studies on the expected shoaling pattern for the relocated channel. While the original channel route was selected to take advantage of naturally deep water, the relocated channel section would be shorter, narrower, and without bends. Thus it is possible that the new route could have lower maintenance dredging requirements. Filling the existing channel with dredged material has been mentioned as a way to divert increased hydraulic flow through the new channel to reduce maintenance dredging needs.

The change in shoaling and hydraulic patterns are key factors in evaluating the environmental effects of this project. Absent detailed information on the project impacts on these two key factors, the Service must withhold its final recommendations on the project. In addition, the environmental documentation developed for this project must include an analysis of its impacts on salinity and the recently identified blue crab concentration. We would also like the opportunity to review the environmental assessment. For further coordination please contact George Ruddy at (410) 573-4528.

Sincerely,

John P. Wolflin

Supervisor

Chesapeake Bay Field Office



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration

JUL | | 1996

Col. Randall R. Inouye District Engineer Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203

Dear Colonel Inouve

This pertains to correspondences, dated May 31 and June 3, 1996, requesting our comments on the proposed widening of the Brewerton Channel Eastern Extension, and straightening of the Tolchester "S-Turn" Channel Both proposals are associated with the Chesapeake and Delaware Canal approach channels for the Baltimore Harbor Federal Navigation Project. We have no objection to the proposed alignment changes to these channel segments. However, we are greatly concerned with the decision to place material resulting from these proposals within the Hart-Miller Island containment facility.

The Hart-Miller Island containment facility, originally designed for placement of contaminated spoil, has not been used prudently in the past, and has had much of its capacity lost to disposal of clean and/or coarser-grained material. The subsequent loss of this capacity has contributed to the current emergency circumstances that the Maryland Port Administration faces because of the rapidly increasing shortfall in spoil disposal capacity associated with the Baltimore Harbor project. The loss of Hart-Miller Island capacity means that a substitute containment facility must be quickly identified and constructed, and it is likely that additional aquatic habitat will be displaced as a result of the new facility.

Because both of the proposed channel realignments will cut into untouched or virgin sediments, it is highly likely that the resulting dredged material will be clean and will contain a high fraction of coarse-grained material. It is also probable that much of the material generated by these projects will be suitable for a variety of alternative uses within the aquatic environment. The decision to use the Hart-Miller Island without a detailed analysis of the sedimentary characteristics of the dredge areas, and without consideration of alternative uses for the subject material could result in unnecessary wastage of 5.5 million cubic yards of the remaining capacity of the containment facility

The Phase II Bay Enhancement work group of the Baltimore Harbor Dredging Needs And Placement Options Program identified clean virgin dredge material as an important source of material for in-water uses, including fish habitat enhancement, such as oyster bar re-structuring and creation of topographically diverse bottom. It was further stipulated by the work group that projects involving dredging of new areas should be closely studied to determine the suitability of



sedimentary material for fish habitat enhancement and other in-water uses. Additionally, it was recommended that suitable material be directed to in-water use to permit the conservation of existing containment facilities for placement of less suitable material.

The above policy should be applied to the Brewerton and Tolchester projects. We recommend that sub-sedimentary profiles of each proposed dredge area be studied to determine sediment characteristics and suitability for in-water use. Incorporation of current technology on sediment profile analysis developed by companies, such as Great Lakes Dredging, may facilitate a sub-sedimentary study of the dredge areas.

Difficulties are frequently encountered in timing and coordinating dredging and in-water use projects. However, both the Brewerton and Tolchester projects are channel improvements, as opposed to maintenance activities necessary for maintaining channel use. Consequently, immediate construction of either project is not mandatory. Alternatively, construction of these projects could be postponed until an appropriate fish enhancement or other in-water use has been identified and is ready for implementation.

If there are any questions concerning these comments, please do not hesitate to call our Oxford field office at (410) 226-5771.

Sincerely.

Dr Andrew A Rosenberg



MARYLAND DEPARTMENT OF THE ENVIRONMENT

2500 Broening Highway • Baltimore, Maryland 21224 (410) 631-3000

Parris N. Glendening Governor

Jane T. Nishida Secretary

JUL 23 1996

Mr. Jeffrey A. McKee Operations Division Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Dear Mr. McKee:

I am responding to your letters regarding the proposed straightening of the Tolchester Channel and the deepening and widening of the Brewerton Channel Eastern Extension of the Baltimore Harbor and Channels 42-Foot Federal navigation project. The realigned Tolchester Channel will be dredged to the authorized dimensions of 35-feet deep and 600 feet wide, and the Brewerton Channel will be deepened and widened to 35-feet deep and 600 feet wide.

The proposed Tolchest Channel realignment will require the removal of approximately 3.0 million cubic yards of material and the proposed Brewerton Channel Eastern Extension will require 2.5 million cubic yards of material to be moved. The dredged material will be placed at the Hart-Miller Island containment facility.

Our major concern regards the time frame for the proposed work. First, it is not clear whether the proposed work is to be accomplished during one dredging cycle or over a period of several cycles. At the present time, Hart-Miller Island does not have the capacity to handle the anticipated amount of dredged material. As you are aware, the State is proposing to raise the dikes at the containment facility. Although additional capacity may be available during the next dredging cycle, the entire dike building project will take several years. Second, this project should be coordinated (along with other cooperative projects) with the Maryland Port Administration and Maryland Environmental Service to maximize the capacity of the available disposal sites.

Mr. Jeffrey A. McKee Page 2

Thank you for the opportunity to provide comments on the proposed channel deepening and widening. If you have any questions, please contact Elder Ghigiarelli, Jr., of my staff at (410) 974-2156, or Mr. Visty Dalal. Technical and Regulatory Services Administration, at (410) 631-3689.

Sincerely.

J.L. Hearn. Director

Water Management Administration

JLH:EAGJr:cma

cc: Pete Tinsley
Elder Ghigiarelli, Jr.
Visty Dalal



Parris N. Glendening Governor Ronald M. Kreitner
Director

August 29, 1996

Mr. Jeffrey McKee
Project Manager
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

REVIEW AND RECOMMENDATION

State Application Identifier:

MD960617-0460

Description:

Proposed New Work Dredging Baltimore Harbor and Channel: Straighten & Realign Northern

Portion of Tolchester Channel

Applicant:

Army Corps of Engineers

Location:

Baltimore and Kent Counties ority: Department of the Army

Recommendation:

Approving Authority:

Endorsement With Qualifying Comment(s) and Contingent Upon Certain Action(s)

Dear Mr. McKee:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter, with attachments, constitutes the State process review and recommendation based upon comments received to date. This recommendation is valid for a period of three years from the date of this letter. The <u>Maryland Department of Agriculture</u> had no comments.

Review comments were requested from the Maryland Departments of Agriculture, Business and Economic Development, Environment, Housing and Community Development including the Maryland Historical Trust, Natural Resources, Transportation; Baltimore and Kent Counties; and the Maryland Office of Planning. As of this date, the Maryland Department of Business and Economic Development has not submitted comments. This endorsement is contingent upon the applicant considering and addressing any problems or conditions that may be identified by their review. Any comments received will be forwarded.

The Maryland Departments of Environment, Housing and Community Development including the Maryland Historical Trust, Transportation; and the Maryland Office of Planning found this project to be consistent with their plans, programs, and objectives.

The Maryland Department of <u>Natural Resources</u> found this project to be generally consistent with their plans, programs, and objectives, but included certain qualifying comments summarized below.

<u>Baltimore County</u> stated that their finding(s) of consistency are contingent upon the applicant taking the action(s) summarized below and discussed in the attached comments.

Mr. Jeffrey McKee August 29, 1996 Page 2

Summary of Comments:

The Department of Natural Resources stated that permits are reviewed for their concerns.

The Maryland Historical Trust has determined that the project will have "no effect" on historic properties and that the federal and/or State historic preservation requirements have been met.

Kent County seeks to have input on any plans to place dredged spoils within or near the boundaries of the County.

Baltimore County is interested in a meeting with the applicant. See the enclosed comments.

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. Additionally, the State Application Identifier Number <u>must</u> be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the recommendation cannot be accommodated by the approving authority.

Please remember, you must comply with all applicable state and local laws and regulations. If you have any questions about the comments contained in this letter or how to proceed, please contact the State Clearinghouse at (410) 225-4490. Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form <u>must</u> include the State Application Identifier Number. This will ensure that our files are complete.

We appreciate your attention to the intergovernmental review process and look forward to your continued cooperation.

Sincerely

William G. Carroll

Manager, Plan and Project Review

WGC:BR:cs Enclosures

(* indicates with attachments)

cc:

Pat McMillan - DAGR Roger Drechsler - DBED Steve Bieber - MDE

Sue Hartman - DHCD/MHT Ray Dintaman - DNR Henry Kay - MDOT Tim Dugan - BLCO Gail Webb-Owings - KENT*

Mary Abrams - OPC Scrib Sheafor - OPL

Bill Carroll -OPL



Parris N. Glendening Governor

Maryland State Clearinghouse

TO:

Ronald M. Kreitner Director

DATE:

MEMORANDUM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

	Maryland Office of Planning	(Please fill in the date form completed)					
	301 West Preston Street						
	Room 1104						
	Baltimore, MD 21201-2365						
FROM:				PHONE:	()		
rkom.	(Name of person completing this form.)	***	_	(Area Code & Phone number)			
RE:	State Application Identifier:	MD960617-046	50				
RE.	Project Description:	Proposed New Work Dredging Baltimore Harbor and Channel: Straighten &					
	110,000 2000.p.10	Realign Northe					
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	P	ROJECT A	<i>PPROVAL</i>				
This project/plan	n was:						
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Approved Approved with Modification Disapproved							
Name of Approx	ving Authority				Date Approved:		
Name of Appro	ving rumonty.				**		
FUNDING APPROVAL							
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The funding (if	applicable) has been approved for t	he period of					
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		OTH	ER				
	Fu	rther comment or	explanation is attached	d			

PLEASE COMPLETE YOUR REVIEW & RECOMMENDATION BEFORE July 18, 1996

RETURN YOUR COMPLETED RESPONSE FORM TO:

William G. Carroll
Manager, Plan and Project Review
Maryland Office of Planning
301 West Preston Street, Room 1104
Baltimore, Maryland 21201-2365

						Bob Rosenbush		
State Application Identifier: Location:		ation Identifier:	MD960617-0460 BLCO KENT	Clearinghouse Conta		(410) 225-4490		
Annli	cant.		Army Corps of Enginee	rs				
	Applicant: Army Corps of Engineers Proposed New Work Dredging Baltimore Harbor and Channels: Straighten & Realign Northern Port of the Tolchester Channel							
		Based on a Review	w of the Information Prov	ided, We Have 🗸 Cl	necked the Appro	priate Determination Below		
CONSISTENT RESPONSES - FOR USE BY STATE AGENCIES ONLY								
	C1 It is consistent with our plans, programs, and objectives.							
	C2	It is consistent with the policies contained in Executive Order <u>01.01.1992.27</u> (Maryland Economic Growth, Resource Protection, and Planning Act of 1992) <u>and</u> our plans, programs, and objectives.						
	СЗ	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federa and/or state historic preservation requirements have been met.						
	C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.						
CC	CONSISTENT RESPONSES - FOR USE BY COUNTY & LOCAL AGENCIES ONLY							
	C5 It is consistent with our plans, programs, and objectives.							
	C6 It is consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992) and outplans, programs, and objectives.							
01	THER	RESPONSES -	FOR USE BY ALL	A GENCIES				
	R1 GENERALLY CONSISTENT WITH QUALIFYING COMMENTS: It is generally consistent with our plans, programs and objectives, but the attached qualifying comment is submitted for consideration.							
**	R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment.						
	R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning A visions/policies; or it may duplicate existing program activities, as indicated in the attached comment. If a meeting with the applicant is requested, please check here.						
	R4		TODALATION PROJECT	En. Additional inform	nation is required review period is	to complete the review. The requested, please check here.		
Δtta	ch addi		if necessary <u>OR</u> use the					
باو باو	Coun	ty Councilman	n Vincent J. Gardi	na has requested	a meeting w	with the applicant; the		
Councilman's office may be contacted directly (County Courthouse, Towson, MD 21204; (410)-887-3384) to schedule the meeting.								
Nan	ne:	Tim Do	ugan		Signature:	4		
Org	anizatio	n: <u>Baltir</u>	more County		Phone:	(<u>410</u>) <u>887-3495</u>		
Δdc	iress:		e of Planning		Date Completed	d: <u>7/29/96</u>		
700			y Courts Building on, MD 21204		(✓) ☐ Check	here if additional comments attached		

August 25, 1997

Col. Bruce A. Berwick
District Engineer
Department of The Army
Baltimore District U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Sir:

On my recent visit to the Baltimore Harbor Branch office, I met with Jeffery Mc Ree on another matter, and while there, learned about the proposed dredging and straightening of the bends in the Tolchester Dredge Channel. This is a critical maneuvering area for pilots and vessel watch officers transiting the channel.

What this proposed Tolchester Channel dredging and straightening would mean to the pilot or vessel watch officers, who transit this critical area and are responsible for the safe piloting, navigation and ship handling in restricted waterways, would be to reduce the existing high risk area to an average risk. Pilots and vessel watch officers live with risk taking - it is a way of life

The present Tolchester Dredge Channel between buoys #19 and #29, with four course changes up to 37 degrees in 1.4 N.M., means the pilot, vessel watch officer must increase rudder angle as much as 20 degrees to start the vessel turning and then counteract with rudder angle to steady up. If there is a human judgment error, or a steering or engine failure, within 1 min., the vessel is aground. The Bay bottom toward shore is hard and off shore is soft. The margin of error is a distance of 150 feet.

At present I work as an outside contractor as a navigational safety auditor for Morania Oil Tanker Corp. and Penn Maritime Inc. who transport millions of barrels of black oil through this area a year. Our Pilothouse watch officers will not meet or pass another vessel in this critical area of the channel because of the existing high risk of accident and grounding. This means our officers must slow down for the other vessel to clear and he misses the ETA for the next port. The result is a loss of company revenue.

I travel in the pilot house with watch officers every year from Maine to Gulf of Mexico, and all Major Coast Ports, up to 4,000 N.M. a year. I cannot think of any waterway channel that needs dredging and straightening "attention now" more than this critical area.

Watch Officers and pilots in this area are confronted with 37 degree turns and course changes, tides, tidal currant, wind sets, visibility, Bay bottom and bank effects and traffic vessels. With the vessel's watch officer and Pilot's knowledge, skills, experience, Army

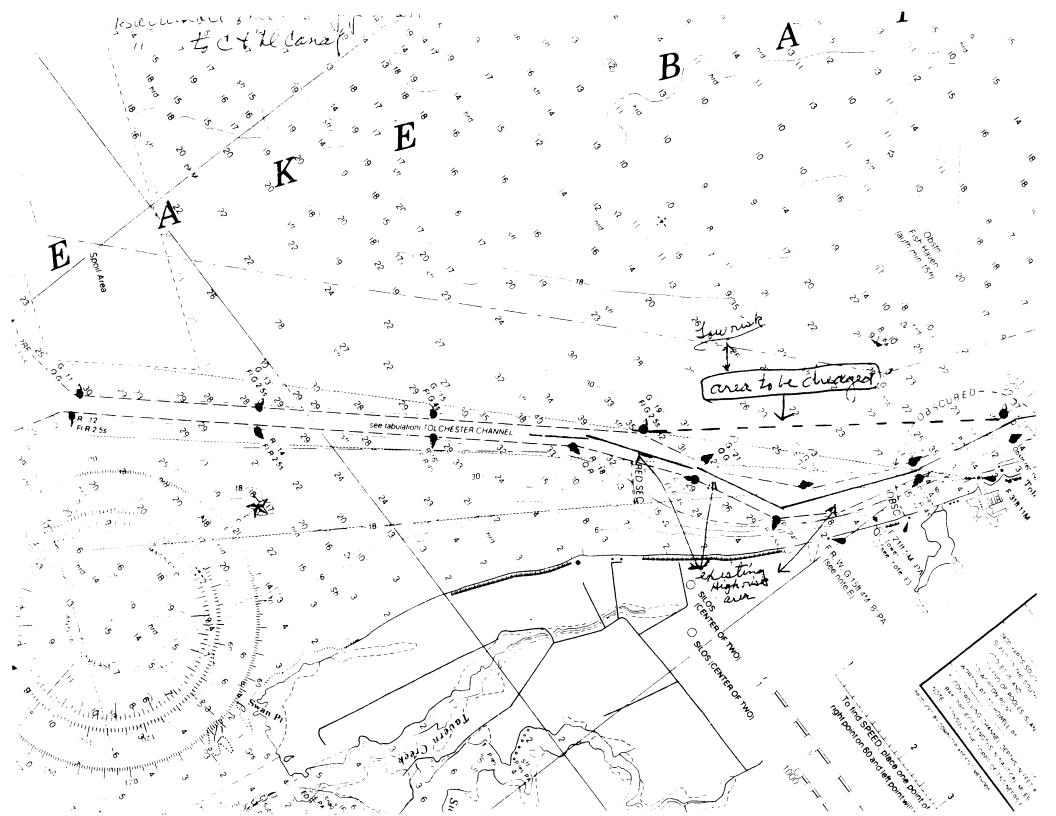
Corps of Engineers Bay bottom soundings, aids to navigation, communication, and vessel's good maneuverability, safe navigation is always possible.

I support the Tolchester Channel dredging project. Your Army Corps and engineers are doing an outstanding job improving the Waterways safety.

Sincerely,

H. Shoch

Capt. Herbert Groh 1907 Clifden Road Baltimore, MD 21228





Commander
United States Coast Guard
Atlantic Area

431 Crawford Street Portsmouth, Va. 23704-5004 Staff Symbol: (Aow) Phone: (757)398-6285

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16500

JUL | 4 1998

MGEN Jerry L. Sinn Commander North Atlantic Division U. S. Army Corps of Engineers Fort Hamilton Military Community, Bldg. 405 Brooklyn, NY 11252

Dear General Sinn:

This letter is in response to concerns regarding the improvements and straightening of an "S" turn in the Tolchester Channel.

The Coast Guard previously recommended straightening the "S" turn (enclosure 1). Since then, there has been increasing concern that a hazardous situation exists. In fact, merchant pilots have reported that several near misses involving merchant vessels have occurred during the transiting of the Tolchester Channel. With increases in vessel size, the severity of the turns have caused difficulty with maneuvering. The Coast Guard would prefer to be proactive in preventing any potential, serious mishaps. The removal of the "S" curve in the Tolchester Channel would be a significant step. We have approved the establishment of range lights at the south end of Tolchester Channel, which should prove to be invaluable aids to navigation, especially when heavy winter ice covers the buoys. A straight channel will further allow the Coast Guard to establish range lights for the entire channel length, increasing the safe passage of the larger vessels through that channel significantly.

We are requesting your support to improve safe navigation in the Tolchester Channel area of the Chesapeake Bay. Your efforts to expedite the completion of this project would be greatly appreciated.

Sincerely,

ROGER I. RUPE, JR

Vice Admiral, U. S. Coast Guard Commander Fifth Coast Guard District

Encl: (1) 26 Aug 1994 ltr to U. S. Army Corps of Engineers

Copy: Frank Hamons, Manager of Harbor Development

Captain Michael Watson,

President, Association of Maryland Pilots Captain Charles Miller, CG ACT Baltimore COL Bruce A. Berwick, CDRUSAED Baltimore LTC Robert B. Keyser, CDRUSAED Philadelphia



DEPARTMENT OF THE ARMY BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS P.O. BOX 1715 BALTIMORE, MD 21203-1715

February 18, 2000

SUBJECT: Proposed New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland - 42-Foot Project - Brewerton Channel Eastern Extension and Tolchester Channel S-Turn Straightening

PUBLIC NOTICE - OP-00-1

TO WHOM IT MAY CONCERN:

Pursuant to Sections 313 and 404 of the Clean Water Act of 1977 (33 USC 1323 and 1344), NOTICE IS HEREBY GIVEN THAT PENDING HEADQUARTERS, U.S. ARMY CORPS OF ENGINEERS APPROVAL AND THE AVAILABILITY OF FUNDS, the Baltimore District, U.S. Army Corps of Engineers, proposes to perform new work and maintenance dredging of the Baltimore Harbor & Channels 42-Foot Federal navigation project and straightening of the Tolchester Channel S-Turn.

The plans and location of the proposed work are shown on the enclosed map. The Brewerton Channel Eastern Extension work consists of maintenance dredging to remove existing shoaling and new work dredging to widen the western five miles of the channel from 35 feet deep and 450 feet wide to the authorized project dimensions of 35 feet deep and 600 feet wide. The River and Harbor Act of July 3, 1958 authorized construction of the project to 35 feet deep and 600 feet wide. The Tolchester Channel S-Turn work consists of dredging a new straight channel 2 miles long, 35 feet deep, and 600 feet wide to realign the existing Tolchester Channel S-Turn for navigation safety. The Water Resources Development Act of 1999 authorized straightening of the Tolchester Channel S-Turn. The dredging will include two feet of advanced maintenance dredging and two feet of allowable overdepth dredging.

Approximately 2,700,000 cubic yards of material from the Brewerton Channel Eastern Extension and 2,800,000 cubic yards of material from the Tolchester Channel S-Turn, consisting primarily of mud, silt, sand, shell and mixtures thereof, would be dredged by clamshell and scow, hydraulic pipeline, and/or hopper dredge. The material will either be placed at the 640-acre Poplar Island Environmental Restoration Project located on the eastern side of the Chesapeake Bay northwest of Tilghman Island in Talbot County, or the State of Maryland will provide the 1,140-acre Hart-Miller Island dredged material containment facility located in the upper Chesapeake Bay near the mouth of Back River in Baltimore County for the deposition of material from the proposed dredging. Dredging is scheduled to commence in June 2000 and to be completed in February 2001. The Brewerton Channel Eastern Extension would be dredged first, progressing from west to east, followed by the Tolchester Channel S-Turn straightening.

The sediment to be dredged has been tested in accordance with criteria promulgated by the Environmental Protection Agency as published in Title 40 of the Code of Federal Regulations, Section 230, to insure the suitability of the sediment for deposition at either the Poplar Island Environmental Restoration Project or the Hart-Miller Island Containment facility. The Regional Administrator, Environmental Protection Agency, has considered dredged material previously removed from these channels satisfactory for deposition at either the Poplar Island Environmental Restoration Project or Hart-Miller Island. The placement areas and the placement operations will be monitored before, during, and after the proposed work.

The proposed methods of dredging and placement of material are addressed in and consistent with the Final Environmental Impact Statement and accompanying Supplemental Information - Operation & Maintenance of Baltimore Harbor & Associated Channels, Maryland & Virginia filed with the Council on Environmental Quality on January 10, 1975 and January 9, 1976, respectively; the Final Environmental Impact Statement for the Hart-Miller Island Diked Disposal Area, filed with the Environmental Protection Agency in 1974; the Final Environmental Impact Statement - Proposed Plan for Completing the Navigation Improvements, Authorized by the 1958 River and Harbor Act for the Baltimore Harbor and Channels, Maryland and Virginia, filed with the Environmental Protection Agency on November 21, 1979; the Supplement to the General Design Memorandum and Supplemental Information Report for the Baltimore Harbor and Channels Maryland and Virginia 42-Foot Project, filed with the Office of Federal Activities on June 23, 1986; the Poplar Island, Maryland Environmental Restoration Project Integrated Feasibility Report and Environmental Impact Statement, February 1996; and the Baltimore Harbor & Channels, Maryland & Virginia, 42-Foot Project, Brewerton Channel Eastern Extension, Maryland Limited Reevaluation Report and Environmental Assessment, August 1997. A review of data generated for preparation of an environmental assessment, including a preliminary 404(b)(1) evaluation for the Tolchester Channel S-Turn straightening, indicates that no significant environmental impacts are expected and that preparation of an environmental impact statement is not warranted. The National Environmental Policy Act (NEPA) documentation addressing the environmental issues of dredging and placement operations for the Tolchester Channel S-Turn straightening is being prepared.

A preliminary review of this work, previous evaluations of historical dredging and placement operations for the Baltimore Harbor project, and recent studies on the shortnose sturgeon indicate that the proposed work will not adversely affect listed species or their critical habitat pursuant to Section 7 of the Endangered Species Act as amended. As the evaluation of this work continues, additional information may become available which could change this preliminary determination.

The proposed new work dredging will comply with and will be conducted in a manner consistent with the approved Maryland Coastal Zone Management Program. The proposed work is being coordinated with the U.S. Environmental Protection Agency; U.S. Department of Interior, Fish and Wildlife Service; U.S. Department of Commerce, National Marine Fisheries Service; and the Maryland Departments of the Environment; Natural Resources; Transportation, Maryland Port Administration; Housing and Community Development; and Economic and Employment Development.

Designation of the proposed placement site for the dredged material associated with this Federal project shall be made through the application of guidelines promulgated by the administrator, Environmental Protection Agency, in conjunction with the Secretary of the Army. If these guidelines alone prohibit the designation of the proposed placement site, any potential impairment to the maintenance of navigation including any economic impact on navigation and anchorage which would result from the failure to use this placement site will also be considered.

Previous cultural resources reconnaissance surveys and intensive marine surveys have indicated that there are no historically significant artifacts in the proposed work areas. A review of the latest published version of the National Register of Historic Places indicates that there are no registered properties or properties listed as eligible for inclusion therein located at the proposed work sites. Currently unknown archaeological, scientific, prehistoric, or historical data may be lost or destroyed by the proposed work.

The decision whether to accomplish the work proposed in this public notice will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed work on the public interest. The decision will reflect the national concern for the protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, energy needs, general environmental concerns, fish and wildlife values, wetlands, historic and cultural values, navigation, shoreline erosion and accretion, water quality, flood hazards, flood plain values, land use, recreation, safety, food production, and in general, the needs and the welfare of the people. The work will not be accomplished unless it is found to be in the public interest.

The proposed dredged material placement area is located in the 100-year flood plain. Pursuant to Executive Order 11988 (Flood Plain Management) this area has been determined to be the most practicable alternative at this time. The impacts of this action on flood hazard; human safety, health and welfare; and the natural and beneficial values of the flood plain are expected to be minimal.

Any person who has an interest, which may be affected, by the placement of this dredged material may request a public hearing. The request must be submitted in writing to the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715 within 30 days of the date of this notice and must clearly set forth the interest which may be affected and the manner in which the interest may be affected by this activity.

Written comments regarding the proposed work and related factors described above must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715 within the comment period specified above to receive consideration. Please contact Mr. Jeffrey McKee at (410) 962-5657 if there are any questions regarding the proposed work.

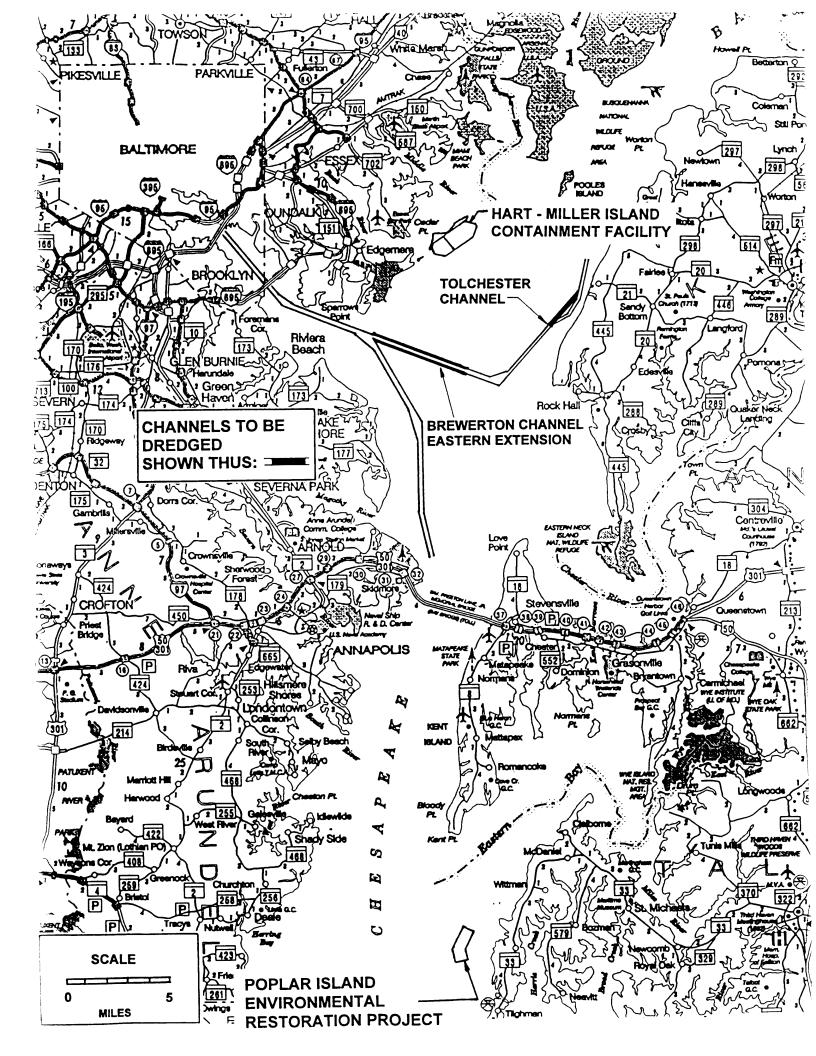
A Water Quality Certification will be required from the Maryland Department of the Environment for this project. This certification is required under Section 401 of the Clean Water Act. Any written comments or questions regarding water quality considerations involved with this project should be directed to the Division of Standards and Certifications, Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland 21224, telephone (410) 631-3603.

Please communicate the foregoing information concerning the proposed work to any persons known by you to be interested, and who not being known to this office, do not receive a copy of this notice.

Christina E. Correale Chief, Operations Division

Christina le. Concale

Enclosure
Map of Dredging Area and
Dredged Material Placement Area



Mr. and Mrs. William Moulden

February 18, 2000

District Engineer US Army Corps of Engineers Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

Dear COL Berwick:

I am writing to provide comment regarding: New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland - 42 Foot Project -Brewerton Channel Eastern Extension and Tolchester Channel S-Turn Straightening (PUBLIC NOTICE - OP - 00 - 1).

It should be the policy of the US Army Corps of Engineers to view all clean dredge spoil as a "material of opportunity" and as such to be exclusively used for island building and wetland creation within the Chesapeake Bay. As has been publicly discussed with Site 104, many federal, state, and local objectives are achieved in dredge spoil reuse operations. Additionally, given the finite limits of upland sites such Hart-Miller Island and widespread resistance to open water deposition, it can be assumed that sooner or later the reuse of clean dredge spoil to further conservation goals will become an accepted practice.

It is not that hard to imagine 20 to 30 years from now that the central question of our day was not expense, but rather leadership. The Corps of Engineers is in a unique position at this moment in time to assume a position of leadership in mandating the reuse of clean dredge spoil. The "planets" at this moment are aligned for this - we simply need the nudge from a credible leader. The basis for this world-view is as follows.

Currently, both federal and state governments have budget surpluses and will have surpluses next year as well. The Corps currently enjoys congressional support for a bold reuse initiative and influential allies such as the EPA. The current disequilibrium created by Site 104 has provided both the window of opportunity and the need for a long-range policy decision. The Corps as a federal agency enjoys a unique position to weigh decision-making parameters that reach far beyond Maryland, issues both environmental and economic, as well as concerns just over the horizon regarding the affordability of alternative techniques to open water dumping. These points include:

• Steamship container lines are currently building larger ships (Super Freighters) requiring 50 foot channels. These new freighters are 1,100 feet long with 47 foot drafts (nearly twice the size of conventional shipping now in the Bay). These ships are the future of the shipping industry and the heart of current regional harbor competition.

- The #1 harbor on the Atlantic seaboard is New York / New Jersey. The Hudson River approach to this harbor is 40 to 45 feet with bedrock granite as it's floor. Blasting is the only way to deepen the channel which poses serious economic, environmental, and political problems.
- The harbor in Norfolk has become a victim of its own success. Currently, container ships routinely wait days for berthing space and truck access to midwest markets is hours longer than access from Baltimore.
- Sealand, one of the largest container companies, has been purchased by Maersk. More than a year ago, harbor and company officials represented that these competing firms would never centralize their operations together in a Baltimore based hub. That has now changed with Maersk Sealand's growing presence in Baltimore, as measured in both increased shipping and just recently locating a corporate vice-president in Baltimore (401 East Pratt St., 410.332.0500).
- Maersk Sealand has not renewed it's contract in New York and has adopted a wait and see approach to determining where its future major shipping hub will be.
 The implication is that the door is wide open for Baltimore Harbor.
- Baltimore is attractive because it is the closest port to midwest markets, available berthing and warehouse capacity for large increases in shipping, and pending concession negotiations related to wharfage fees, space container rentals, longshoreman rights, manning numbers and labor, and the potential for channel improvements not only to the approaches to Baltimore, but to the C & D Canal (a 50 foot depth in the canal would shorten ship travel time to New York by approximately 8 hours).

Taken together, Baltimore Harbor is likely to be the future hub of the shipping industry in our region. Particularly, if: New York / New Jersey can not blast, Norfolk can not expand, and Baltimore capital improvements are made. Bottom line reality is that Baltimore stands a better than not chance of wrestling a 25% market share from New York and Norfolk with an economic impact calculated in billions of dollars annually. In jobs, the estimated 80K related to port activities would double. In this context, alternate means to open water disposal of dredge spoil becomes affordable.

Given the economic, environmental, and political aspects of shipping along the Atlantic seaboard, the Corps of Engineers is in a unique leadership position to reconcile these commercial interests with the conservation interests of the general public. The current Corps analysis should go well beyond Bay dredging and open water dumping. Corps leadership should not be duped into cheap disposal practices of yesteryear based on the fallacy unafforability. This premise, in light of the economics of a 50 foot channel, is whole cloth wrong. Additionally, mandating clean dredge reuse is a cost saver for the other end of the equation, namely implementing state and federal objectives for the net increase of wetlands and stemming the loss of Bay islands.

The Corps from its federal regulatory seat can broker these regional objectives, which are more rightly understood in the federal context as complimentary. It can and

should address estuarine commercial impacts more globally and should consider broadening its analysis beyond the confines of just the Chesapeake Bay. It should consider whole market shipping related issues and their cumulative impacts. A holistic approach to Chesapeake Bay dredging, Hudson River blasting, Norfolk expansion through military base reutilization, as well as the reutilization of materials of opportunity. These initiatives should all be woven together, and at this juncture only the Corps has the resources and purview to accomplish it.

Locally, implementation of a reuse vision is not as hard, or complicated, as some would complain. It simply, as of yet, is not something that is a department or agency routine. A case in point is Parson Island. This was a portfolio partnership offered as an alternate to open water deposition. The owners of this island years ago proposed a partnership to MDE officials in using a portion of harbor dredge materials to rebuild their island and for shoreline erosion control, summary attached. During the exploratory process other island owners as well indicated an interest. Each site individually could receive 3 million cubic yards of material and collectively would have had the capacity to use what was proposed to have been placed at *Site 104*. Even though they proposed cost-sharing the proposal received no follow up. Incredulously, this innovative reuse initiative to create thousands of acres of wetlands and rebuild islands with cost-sharing partners was reflected in the corps *Site 104* report to the public as "not viable". Note: No one from MDE, or the Corps, ever discussed or expressed an interest in the economic details of the offer. It was simply and arbitrarily dismissed because it did not fit the decision-making matrix / routine of the day.

As District Engineer, you should consider assuming the primary leadership role and make the decision that dredge material is to be used for the public good. To perhaps, take a step back from the tiresome chorus of nay-sayers and resolve on your own that the question of dredge spoil is more rightly viewed as an opportunity, rather than a problem. To broaden your look at the emergent economic factors of a 50 foot channel. To consider adopting the visionary reuse of spoils and direct your staff to make it work. While there may be a period of wholesome turbulence, as is typically associated with the initial employment of any bold stratagem, it in the end it will prove to be one of the high-water marks of your career.

As District Engineer you were given command of the Baltimore District to make these tough decisions. It is your responsibility. It is your role to assert your authority, take charge of the situation, and bring to closure the eventual. Leaders like everyone can be nagged by doubt, but they should not paralyzed by it. COL Berwick, make the leap and decide. Use the authority of your office to reconcile the needs of the harbor with that of the Bay. Use current circumstances to everyone's advantage and force the reuse of dredge material.

William Moulden 290 Nottingham Hill

Sherwood Forest, MD 21405

Parson's Island Wetland Creation An Alternate to Open Water Dumping

A Dozen Reasons

- (1) Provides an alternate disposal site to open water deposition for 3 million cubic yards of dredge material. In this context, Maryland has another viable alternative to open water dumping and gains the moral high ground on the position that the recycling of these dredge materials to meet high profile federal and state objectives serves the greater good. In essence, Maryland can improve the economic viability of Baltimore Harbor and in doing so improve the natural resources of the Chesapeake Bay.
- (2) Creates 300 acres of tidal wetlands at Parson's Island for migratory waterfowl.
- (3) Consistent with funded federal initiatives to buffer the Bay from farm nutrient run-off into the Chesapeake and to preserve vanishing Bay islands. Currently, one-third of this 100 acre island is farmed with approximately one acre of the island disappearing annually.
- (4) Provides the opportunity for a meaningful partnership between various federal and state programs, the Port Authority and business community, the environmental community, and farmer / property owner. The Parson's Island initiative executes a half dozen visions and resolutions made by: vice-president Gore, Senators Sarbanes and Mikulski, Rep. Gilchrest, Governor Glendenning, DNR Secretary Taylor-Rogers, MDE Secretary Nishida, as well as the Chesapeake Bay Foundation and numerous other Bay organizations which has been so heavily reported in the news media.
- (5) To these ends the owner of Parson's Island would: Design features that maximize environmental benefits, manage 100 acres of the island as a wildlife sanctuary, plant 30 acres annually of the island's farmland for waterfowl forage, and cost share the project.
- (6) Creates optimum habitat for reproducing Black Ducks, other migratory waterfowl, and Horseshoe Crab populations.
- (7) Prevents the destruction of nearby historical oyster reefs.
- (8) Prevents the destruction of an historic island in the Chesapeake Bay.
- (9) \$0 for island acquisition.
- (11) Achieves a net gain of wetlands, Black Duck and other threatened specie populations currently reproducing on the island.
- (12) Parsons Island over the past two years has been favorably reviewed by: the Maryland Port Authority and the US Fish and Wildlife Service.

Upper Bay Charter Captains Association C/o Capt Skip Slomski 224 Greenland Beach Road Baltimore, MD 21226

Department of the Army U.S. Army District Baltimore Corps of Engineering P. O. Box 1715 Baltimore, MD 21203-1715 ATTN: Mr. Jeffery McKee



Wednesday, February 21, 2000

Dear Mr. McKee,

We understand there is possible action being taken to dredge Brewerton Channel and to straighten out the Tolchester Channel as well. This dredging, as we understand is to occur during June and July. The Upper Bay Charter Captains Association, wish to express their concern and disapproval of the dredging in the Upper Bay area during the fishing season, which begins April 25th. The area outlined is prime territory for the many charter boats plying the Chesapeake Bay. We caught fish in this area all the way through the end of the rockfish season in November. This activity would be causing disruption for many captains in the Upper Bay and would adversely affect the businesses of many. The dredging, which causes muddy and cloudy waters, disturbs many species of fish that the captains depend on for their livelihood.

The Upper Bay Charter Captains Association would appreciate you considering this important situation and suggest the dredging take place after the fishing season is over in November. We would also like to be informed of any meetings where this dredging would be discussed so that we may be well informed of your efforts. We thank you for your anticipated cooperation.

We appreciate your immediate attention to this matter.

Sincerely,

Capt. Skip Slomski

Secretary

Upper Bay Charter Captains Association

cc: TJ Johnson, President UBCCA

四人



The Maryland Watermen's Association, Inc.

February 22, 2000

Kent County Commissioners 400 High St. Chestertown, MD 21620

Dear Kent County Commissioners:

I want to bring to your attention information that the Corps of Engineers and the Port Authority are proposing to dig a new channel between the oyster bar known as Hodges and the area known asTolchester, in Kent County.

The current plan calls for the dredged material from the proposed new channel to be placed at Poplar Island. It would seem with the hard look everyone is taking at Site 104 as a placement site, and the need for continued maintenance dredging placement sites, that this is a wrong use of space at Poplar Island.

The naturally existing channel at the Tolchester site serves as protection from silting on Hodges Bar, while the proposed new channel will direct currents away from Hodges and could create a silting problem. Also, the continued need to dredge the new channel would further put the oyster bar in danger.

We are opposed to any construction of this new channel without having adequate sites with space enough to take care of material from current dredging projects.

I have said this before, but will say it again here - it seems a lot of time and effort is going into the fight against dumping in Site 104, while other projects are moving forward that have the potential to cause more damage over the long term to the Chesapeake Bay and its oyster population.

The MWA has always been opposed to open water dumping and we will look closely at the environmental impact statements on Site 104. We all must rely on the agencies involved to make an assessment of Site 104, and we are waiting for the results of those studies. We would ask you to look just as hard at the above referenced project and the dumping of additional dredge material at Poplar Island.

As such, we are opposing the digging of yet another channel which would place additional dredged material into the system. The existing natural channel protects Hodges Bar and the digging of a new channel could make what is preceived as a problem now into even a bigger problem in the future.

We are asking you to please join with us in opposing this new channel construction.

Sincerely,

Larry Simns President

LS/bsd

cc: Queen Anne's County Commissioners

Del. Mary Roe Walkup

Del. Ronald Guns

Del. Wheeler Baker

Maryland Port Authority

U.S. Corps of Engineers

Sarah Taylor-Rodgers

Congressman Wayne T. Gilchrest

Col. Bruce A. Berwick
District Engineer
USACE – Baltimore
P.O. Box 1715
Baltimore, MD 21303-1715

CONCERNS ABOUT PROPOSED DREDGING AND PLACEMENT ACTIONS

Dear Col. Berwick:

I write in response to Public Notice – OP-00-1, dated Feb. 18, 2000, which dealt with "Proposed New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland – 42-Foot Project – Brewerton Channel Eastern Extension and Tolchester Channel S-Turn Straightening."

This letter will overview serious concerns with the proposed activities from both economic and environmental perspectives. I believe the concerns are of a sufficiently significant magnitude that, upon appropriate reflection, you will also conclude that the activities are NOT cost effective and should NOT be undertaken.

Because the two different dredging projects are covered under one Public Notice, and it is proposed to dredge them sequentially, I will consolidate my comments as well (recognizing that there are some distinctions in the rationalized justifications). For the record, it should be noted that because of time constraints, I have not completed my review of the reports for the two projects; I may have additional concerns and criticisms.

BASIC PREMISE:

"The Brewerton Channel Eastern Extension is a key link in the channel system leading from the Port through the Chesapeake and Delaware Canal. Ninety-eight percent of the vessels using the Port through the C&D Canal use the Brewerton Channel Eastern Extension. The State of Maryland requests that the Brewerton Channel Eastern Extension be constructed to its authorized depth so that vessels will no longer have to wait for vessels to clear the channel or encounter a 1-1/4 hour delay by having to transit an additional 12.2 nautical miles when a course to the south is made to and from Baltimore Harbor." [Brewerton Channel Eastern Extension, Maryland; Limited Reevaluation Report and Environmental Assessment; Final Report, August 1997. Appendix E, p. 2]

This basic premise is <u>not substantiated</u> by anything in the economic analysis. There are no data showing that any vessels "<u>wait</u>" ... much less, how many vessels and what type. Nor is there any quantification of time "waited". Also, there are no data on vessels diverting to the south to use the Craighill channel. Instead, the report repeatedly states that 98% of the vessels using the C&D route also use the Brewerton channel. Thus the <u>maximum</u> fraction of C&D Canal users that <u>might</u> use the Craighill to access Baltimore is 2% (assuming no direct vessel transits from the Delaware River via

the C&D Canal and to or from Norfolk while bypassing the Port of Baltimore). Simply stated, the economic benefits analysis does not follow from, and is inconsistent with, the basic premise.

ECONOMICS - BENEFITS:

From a macro perspective the economics are most puzzling. The project is to widen a 5-mile section of the 50+ mile-long northern approach channel to the Port of Baltimore. The widening of that section will be from 450 to 600 feet – but most of the connecting channels have a 450-foot width. How can a project to widen only a section of a channel, less than 1/10th of its total length, produce a benefit more than 3 times greater than the project to deepen the entire channel by 5 feet?

[Comparison: Brewerton project gross benefits = \$185,821,000 vs. C&D Canal and Connecting Channels deepening project benefits = \$53,050,000; (Ref: Brewerton Channel Eastern Extension, Maryland; Limited Reevaluation and Environmental Assessment, Final Report; August 1997 and C&D Canal Draft Economic Reevaluation Report; June 1999.)]

The answer, I believe ... is that the computations in the economic assessment of widening the Brewerton Channel grossly overstated the future vessel traffic levels (and concomitant benefits). Additionally, I believe there are mathematical errors in the benefits computations.

- Overestimate of Future Vessel Traffic at Port of Baltimore:
 The analysis by CENAB utilizes projections of vessel traffic at the Port of Baltimore which either inadvertently (or deliberately) seriously overstate reality. See Figure 1, attached. Total Port of Baltimore traffic for the economically critical project years of 2003 to 2020 is at least 100%, overstated.
- 2. Fraction of Vessels Using the Route through the Project Channel: The fraction of the Port of Baltimore vessels using the Northern Approach Channel (C&D Canal route) has been steadily declining. See Figure 2. The number of vessels that might use the project is overestimated in the analysis. Further, in recent years, because it is cheaper to use the Cape Henry route as opposed to the Canal route for northern port transits, vessels are shifting their operating patterns. Figure 3 clearly shows that shift by containerships away from Canal use (and containerships are ¼ of the total fleet).
- 3. Valuation of "Time Saved":

Although the specifics of the economic analysis are not adequately incorporated in the Economics appendix (Brewerton Project), it appears that perceived time savings were valued using "fixed costs" rather than "variable costs". As outlined on Figure 4 (attached), for vessels like containerships, that methodology improperly overstates benefits about 4X.

4. Mathematical Error:

The detailed computations of benefits, as summarized in Table 8, Appendix F (Economics) [Brewerton Channel Eastern Extension, Maryland; Limited Reevaluation Report and Environmental Assessment; Final Report, August 1997] appear to erroneously use the (reports') estimate of annual vessel transits instead of

the number of transits in the <u>73 day</u> simulation period. This over-computes the estimated project benefits by 5X!

ECONOMICS - COSTS:

- 1. The costs are estimated at 1994 price levels and assume placement at Hart-Miller Island. That assumption is no longer accurate. Placement is now slated for Poplar Island (per MPA at DNPOP meeting, Jan. 2000). That shift of placement location will increase the transport distance by about 22.5 miles with an attendant cost increase of \$6.1 million (Brewerton Extension project). There will be a similar cost increase associated with the placement of material at Poplar Island from dredging of the Tolchester S-Turn.
- 2. The cost of replacing the 'consumed' placement capacity was not included in the economic analyses for these projects. Using existing placement capacity for "new work" dredging makes it unavailable for placement of future "maintenance" dredging material. This is an "Irretrievable Commitment of Resources" and the impact is significant ... the statements of Appendix F, pg. 42, notwithstanding. For each of the Brewerton and Tolchester projects, the net present cost of replacing such consumed capacity would add \$9.6 million to the previously calculated project costs.
- 3. These two factors, combined would add \$15.7 million to each of the Brewerton and Tolchester projects ... effectively doubling their real costs.

ECONOMICS – SUMMARY:

This limited critique finds:

- A. the traffic projection databases used for the project are badly in error and grossly overstate benefits,
- B. there appear to be severe mathematical errors overstating benefits, and
- C. the placement costs are markedly underestimated.

Thus, this combination of factors appears to reduce the Benefit-to-Cost Ratio (BCR) to less than unity (<1). The proposed project(s) should not be approved!

ENVIRONMENTAL:

1. Nutrient Releases:

Neither nitrogen (N) nor phosphorous (P) releases from either the dredging or placement activities are explicitly considered in the Environmental Assessments. This is a severe oversight. The matter definitely should be assessed considering that the proposed dredging season commences in June 2000 and continues until February 2001.

2. Sediment Quality:

Statements like "for the most part ... sediments are generally free of priority pollutants" are not very reassuring. Further the findings of polynuclear aromatic hydrocarbons (PAH) in samples from the Brewerton Channel Eastern Extension at "statistically significant" levels would seem to warrant additional sampling, analysis and interpretation to assure no long-term adverse impacts to the Bay.

3. Salinity Changes:

No three-dimensional hydrodynamic modeling was performed for either of the proposed projects to ascertain their impact on salinity and hydrologic patterns in the upper Chesapeake Bay. Altering the charnel dimensions and geometry, especially by straightening the Tolchester S-Turn, should influence the movement of the salt wedge up the Bay bottom. The omission of such hydrodynamic modeling to address these matters is a serious deficiency of the reports.

The above environmental concerns are not trivial. They should be thoughtfully assessed; the public needs to be assured that there will be no adverse impacts to the Bay before these projects are allowed to proceed (notwithstanding the aforementioned economic concerns).

In conclusion, based on these economic and environmental concerns, it appears that <u>neither</u> the Brewerton nor the Tolchester projects have adequate justification for your approval and subsequent construction! Further, as an impacted taxpayer, I hereby request a public hearing on these proposed projects. Please advise me as to its time and place.

If you have any questions on my comments and analyses, I can be reached at (410) 398-6844.

Sincerely,

John M. Williams, Ph.D.

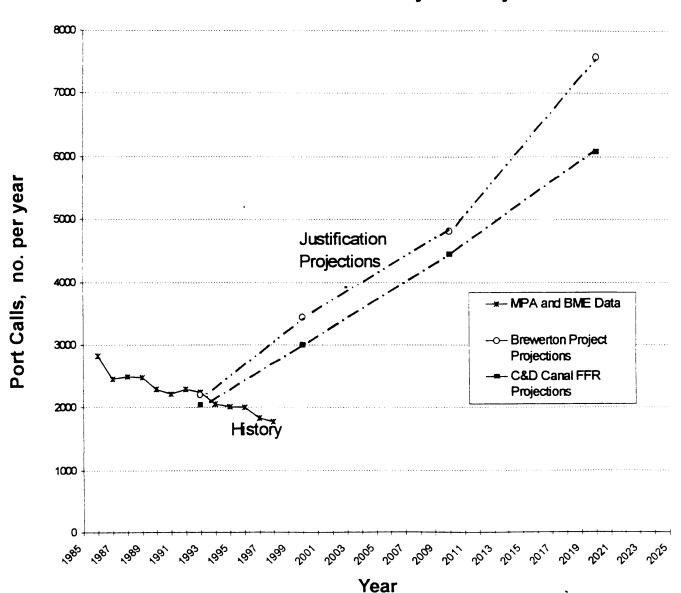
Copy: Congressman Wayne T. Gilchrest

PORT OF BALTIMORE VESSEL TRAFFIC -- OVERESTIMATED

This chart shows both the historical number of port calls at Baltimore and the projected vessel traffic for two different navigational dredging projects ... the Brewerton Extension (USACE-Balt.) and C&D Canal Deepening (USACE-Phil.). Both projections used the same base year (1993) ... and input data ... yet produced markedly different forecasts of future traffic (neither of which has reflected reality since the base year). Even more interesting, both studies were performed by the same consulting firm (for the two different studies and Corps' Districts).

By the completion dates for both projects, the <u>estimated</u> traffic (to justify the dredging) will be more than <u>twice</u> the actual traffic!

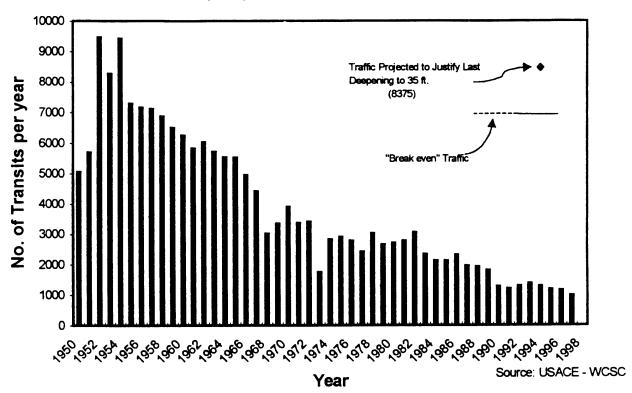
BALTIMORE PORT CALLS: History and Projections



DECLINE OF TRAFFIC USING C&D ROUTE

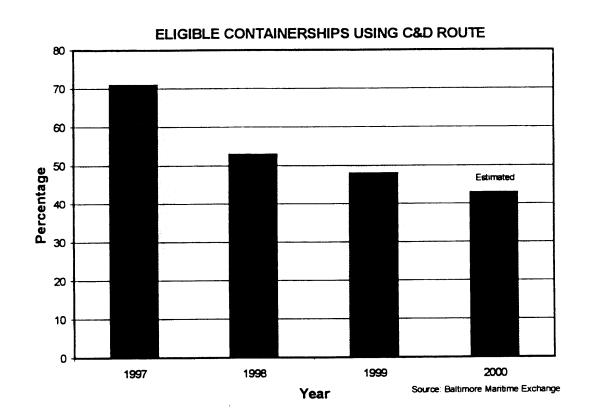
C&D CANAL TRANSITS

Dry Cargo, Tankers Foreign + Domestic



Traffic in the late '90s is < 1/7 of that projected to justify the last deepening project (competed in 1975).

USE OF NORTHERN APPROACH CHANNEL BY ELIGIBLE* CONTAINERSHIPS



The fraction of eligible containerships using the northern route is steadily declining.

[Note: In C&D Canal study, USACE and MPA analyses assume 75% usage.]

*Eligible: no air or sailing draft restriction, and

sailing to or from a more northern port.

IMPACT OF USING FIXED COSTS INSTEAD OF VARIABLE COSTS

Standard Corps methodologies value any 'time saved' by using the hourly fixed operating cost (including depreciation, etc.) rather than by using the hourly variable costs.

For 'time saved' when a vessel arrives at berth earlier as a result of a project improvement, the proper valuation of the saving is the 'time saved' multiplied by the <u>difference</u> between the 'hourly cost at sea' and the 'hourly cost in port' ... not multiplied by the total (fixed) operating cost at sea.

For example, for containerships:

Vessel Size, TEU	Oper. Costs; at sea, \$/hr	Oper. Costs; in port, \$/hr	Difference, \$/hr	Correction Factor *
2500	1249	910	339	0.27
3000	1462	1056	406	0.28
3500	1617	1145	472	0.29
4000	1731	1203	528	0.30

Source: USACE, EGM 99-05; Deep Draft Vessel Operating Costs

The 'Correction Factor' can be used to multiply the 'Corps savings' to get the 'correct savings' for each vessel. Typically, this correction reduces the previously determined savings to about 28% of that alleged.

This single USACE Methodology biases the economic conclusion too high by 330-370%

^{*}Ratio of Difference (\$/hr)/ Total (fixed) hourly costs (at sea)(\$/hr)

Hillor Dear Lir
I would like a public hearing on the proposed degring of the Browton clanned & Tockesta claunch.

The reason for the hearing a temetable on the dregging which we would like to have done Dec. fan 2000-2001 a carlier date would interfere with our ferticies. A tripe best scason opens up fonce 1st in this about runs winter guality, etc., would affect the nicoagration, writer quality, etc., would affect the nicoagration, in the lay It would affect the nicoagration, capthe lay It would affect the licehood of the charter boat fashing sport fishing. A lot of tap money comes from those instruction to the State Teoleral coffees. This haps to pay for dreame, not only the shapping fasheatry.

Thank your
Seesance Thomas

770 | Wenter Navan Rd.

Batto. Md. 21237

Md. Quarter Boot assoc. (april
2410-866-4994

KENT COHNTY WATERMAN'S

ASSOCIATION

DOOR UNIT MADVIANT OTEST

District Engineer
U.S. Corp. of Engineers
P.O. Box 1715
Batlimore, Maryland 21203-1715

To Whom It May Concern:

I am writing this letter about the concerns of the Kent County Waterman's Association about your proposal of the dredging of the Telchecter channel. When the project was first proposed the association was adainst the project and still remain the same.

The following are some of the reasons we are against

- 1) The area designated to be dredged is prime crabbing and fishing grounds.
- 2.) At the southern end of this new channel are two very productive syster bars. No one has given an answer concerning what impact the new channel will have on this syster bars.
- 3.1 There has been no answer as to the new proposed deepend channel will have on the tide flow.
- 4.) A new straight channel will allow ships to druise faster democred to having them slow down to having turns in the existing channel.

We feel there is a need for a views to be expressed in a public hearing. Please contact me if a hearing is to be sheduled.

Sincorely,

James W. Jamusto Ir.

President

Telophone: 410-639-7445

District Engineer U. S. Army Corps of Engineers **Baltimore District** P.O. Box 1715 Baltimore, Maryland 21203-1715

RE: Public Notice PO -00-1 Tolchester S Turn

TO WHOM IT MAY CONCERN:

As a Charter Captain and Vice President of the Upper Bay Charter Captains' Association, I would like to express my concerns over the proposed dredging of the Tolchester channel. I feel that this dredging would effect negatively the fishing environment and the aquatic vegetation in the area of Swan Point and Gails Shoal.

I believe it would be in the best interest of all concerned that we have a public meeting to discuss the ramifications of the proposed project as soon as possible.

Very truly yours,

Captain Russ Green

Address:

1704 Browns Road Essex, Maryland 21221



The Maryland Watermen's Association, Inc.

March 15, 2000

District Engineer U.S. Corps of Engineers Baltimore District P. O. Box 1715 Baltimore, MD 21203-1715

RE: Public Notice CP-00-1

Gentlemen:

This letter is to request a public hearing on the above referenced Public Notice, regarding the proposed dredging of a new channel between Hodges Oyster Bar and the area known as Tolchester (Tolchester Channel), in the waters of Kent County, Maryland. Our letter dated March 15, 2000, to the Kent County Commissioners is enclosed for your review and information.

Please schedule a public hearing on this matter and send notice to the Maryland Watermen's Association, 1805A Virginia Street, Annapolis, MD 21401.

Thank you for your attention to this important issue.

Sincerely,

Larry Simns, President

Marvland Watermen's Association

LS/bsd

CC:

Delegate Wheeler Baker
Delegate Mary Roe Walkup
Delegate Ron Guns
Senator Walter Baker
Chesapeake Bay Foundation
Congressman Wayne Gilchrest
Maryland Environmental Service
Queen Anne's County Commissioners
Kent County Commissioners



TRAVELER II CHARTERS

FISHING SEA DUCK HUNTING
Captain Richard Manley
4798 Piney Neck Road
Rock Hall, Maryland 21661

(410) 639-7420 www.rockhallmd.com/traveler2 E-Mail npm@dmv.com

March 15, 20000

District Engineer
U. S. Corps of Engineers
Baltimore District
P.O. Box 1715
Baltimore, Maryland 21203-1715

Dear Sir:

I am writing this letter to request a public hearing regarding Public Notice OP-00-1.

This site of this dredging is in prime fishing and oyster areas on the Chesapeake Bay and will negatively affect my business. I have not been able to find any information on the environmental impact of this activity and feel that more information should be forthcoming before this project begins.

Thank you for your cooperation in this matter.

Sincerely,

Capt. Richard Maniey

Richard Wanley

March 17, 2000

Colonel Bruce Berwick, District Engineer U.S. Army Corps of Engineers, Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

Re: Public Notice – OP-00-1; Proposed New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland – 42-Foot Project – Brewerton Channel Eastern Extension and Tolchester S-Turn Straightening

Dear Colonel Berwick:

We, the undersigned organizations, are concerned by the recent public notice detailing the intent of the Corps of Engineers to proceed with the proposed new work dredging projects in the Brewerton and Tolchester Channels in the Chesapeake Bay. Our concern stems from the disconnect between these two proposed dredging projects and adequate environmentally sound dredged material disposal capacity.

In the 1999 Draft EIS for Site 104, a clear connection was made between the need for Site 104 capacity to accommodate "new work" projects, including the Brewerton Channel Extension and Tolchester S-Turn Straightening project. The DEIS clearly states that "these new work projects would require the removal of an additional 18 MCY of dredged material from the Chesapeake Bay approach channels (DEIS p1-1)." The DEIS for Site 104 also clearly states that "the 18 mcy proposed for Site 104 are additional to the Poplar Island and HMI capacity. Although channel maintenance would be possible without utilizing Site 104, no capacity for new work would be available (DEIS p 2-46)."

However, the Public Notice OP-00-1 states that capacity for these two new work projects, totaling roughly 5.5 million cubic yards of sediment, would be placed at either Poplar Island or Hart-Miller Island. The Corps public notice appears to overlook that placing new work materials at these sites means replacing maintenance work capacity with new work sediment. Disregard for the more expensive confined disposal capacity will likely lead to future capacity shortfalls and the initiation of more "short-term" open water sites.

Public Notice OP-00-1 also suggests dredging and disposal could commence as early as June 2000, prior to the release of the revised Draft EIS for Site 104. We question whether it is appropriate to overload existing disposal capacity without first knowing whether or not Site 104 capacity will be authorized. We also question whether assessments of nitrogen and phosphorus release have been made, and whether the cumulative impacts of such releases during the summer and fall months have been

considered. We request copies of the relevant environmental assessments that address the issues of nutrient release and the potential water quality impacts associated with the proposed dredging schedule.

On behalf of our collective membership of more than 50,000 Marylanders, we request a public hearing on the projects described by Public Notice OP-00-1 prior to commencement of these new work projects.

Thank you,

Theresa Pierno

Chesapeake Bay Foundation

Susan Brown

Mary Marsh

Sierra Club - Maryland Chapter

Susan Brown

Maryland League of Conservation Voters

Jan Graham

Haztrak Coalition, Inc.

Mildred Kriemelmeyer

Maryland Conservation Council

Wavne A. Beale

Citizens Against Open Bay Dumping



Parris N. Glendening Governor

Kathleen Kennedy Townsend

Lt. Governor

Maryland Department of Natural Resources ENVIRONMENTAL REVIEW

Tawes State Office Building Annapolis, Maryland 21401

March 17, 2000

Sarah J. Taylor-Rogers
Secretary

Stanley K. Arthur Deputy Secretary

Ms. Christina F. Correale Chief, Operations Division U.S. Army Corps of Engineers, Baltimore District P.O. Box 1715 Baltimore, Maryland 21203-1715

Attention:

Mr. Jeffrey McKee

RE:

U.S. Army Corps of Engineers Public Notice OP-00-01; Proposed New Work and Maintenance Dredging of Baltimore Harbor and Channels, Maryland - 42 Foot Project - Brewerton Channel Eastern Extension and Tolchester Channel S-Turn Straightening; Chesapeake Bay Area; Kent County

Dear Ms. Correale:

The U.S. Army Corps of Engineers is proposing new and maintenance dredging of the Baltimore Harbor and Channels 42-Foot Federal navigation project and straightening of the Tolchester Channel S-Turn. The Brewerton Channel Eastern Extension consists of maintenance dredging and new work dredging to widen the westernmost five miles of channel from 35 feet deep and 450 feet wide to the authorized project dimension of 35 feet deep and 600 feet wide. The Tolchester S-Turn work consists of dredging a new straight channel two miles long, 35 feet deep and 600 feet wide to realign the existing Tolchester S-Turn for navigation safety. An estimated 2,700,000 cubic yards of material would be removed from the Brewerton Channel Eastern Extension and 2,800,000 cubic yards would be removed in the Tolchester Channel S-Turn straightening. The dredged material would be placed at the Poplar Island Environmental Restoration Project or, if that facility is not available, in the Hart-Miller Island Dredged Material Containment Facility. The proposed dredging is scheduled to begin in June 2000 and be completed in February 2001. The Brewerton Channel Eastern Extension would be dredged first, progressing from west to east, followed by the Tolchester S-Turn straightening.

As we have stated our comments of 8 July 1996 regarding this project and in our comments

Christina E. Correale March 17, 2000 Page 2

regarding the annual maintenance dredging activities associated with these channels, the proposed areas of dredging activity are within excellent fishing areas heavily utilized by Chesapeake Bay sport fishermen during the fall striped bass season. Past experience has demonstrated that the fishing grounds north of the Bay Bridges offer prime fishing in October with many boats and anglers participating in the fishery. To avoid potential conflicts with sportfishing activities, the Department of Natural Resources requests that the proposed dredging for both projects be conducted only during the period October 1 through March 31. Delaying the start of dredging until October 1st will minimize dredging activity in areas of heaviest fishing pressure, and as the fall fishing season progresses, the fish and fishermen will tend to move down the Bay and away from the proposed dredging sites.

Should you require additional information on this project, please feel free to contact Roland Limpert of my staff at 410-974-2788.

Sincerely,

Ray C. Dintaman, Jr., Director Environmental Review Unit

Ray C. Dintaman, Jr.

RCD:RJL

cc: P. Massicot, DNR-RAS

E. Schwaab, DNR-FS

H. King, DNR-FS

E. Ghigiarelli, MDE

WAYNE T. GILCHREST

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

CHARMAN, COAST GUARD AND MARITIME TRANSPORTATION WATER RESOURCES

COMMITTEE ON RESOURCES
PISHERIES CONSERVATION.
WILDUFE AND OCEANS
FORESTS AND FOREST HEALTH

March 20, 2000



Congress of the United States House of Representatives

2245 RAYSURN BUILDING Washington, DC 20515 PHONE: (802) 225-5311 FAX: (202) 225-0254

44 CALVERT ST., SUITE 320 ANNAPOLIS, MD 21401 PHONE: (110) 263-6321 FAX: (410) 263-7819

☐ 315 HIGH STREET, SUITE 105 CHESTERT DWN, MO 21520 PHONE: (410) 778-9407 FAX; (4\0) 778-9560

ONE PLAZA EAST SALISBURY, MD 21801 PHONE: (410) 749-3184 FAX: (410) 749-8458

Colonel Bruce Berwick, District Engineer U.S. Army Corps of Engineers Baltimore District Post Office Box 1715
Baltimore, Maryland 21203

Dear Colonel Berwick:

I am writing to request that the Baltimore District schedule a public meeting on the Eastern Shore on the proposal to dredge Brewerton Extension and to dredge and straighten Tolchester Channel.

Some of my constituents who are very concerned about these projects have contacted me. They express serious concerns about the impact that these dredging projects will have on living resources in the Bay and how that might impact watermen who make their living on the Chesapeake Bay, whether these projects are currently warranted given that the C&D Canal deepening is on hold, and, finally, where the dredged material will be deposited.

I believe that these three issues are critical and the decision making process should be informed by an open public discussion.

Thank you for your consideration.

Sincerely.

Wayne T. Gilonest, Member of Coagress



Maryland Department of Housing and Community Development

Division of Historical and Cultural Programs

100 Community Place Crownsville, Maryland 21032

410-514-7600

1-800-756-0119

Fax: 410-987-4071

Maryland Relay for the Deaf:

1-800-735-2258

http://www.dhcd.state.md.us

Parris N. Glendening Governor

Raymond A. Skinner Secretary

Marge Wolf Deputy Secretary March 22, 2000

Mrs. Linda Morrison Chief, Regulatory Branch Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21202-1715

Dear Mrs. Morrison:

This office has reviewed the following permit application for possible effects to cultural resources (pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended):

Tolchester Channel Straightening MD2000222-0101

Dredging to straighten Tolchester Channel has the potential to adversely affect cultural resources, which may be eligible for inclusion into the National Register of Historic Places.

This portion of the bay features several activity areas, which encompass three centuries of waterway activities extending from the 17th-20th centuries, from the early historic explorers and settlers who utilized this section of the Chesapeake Bay for settlements and trading centers, to the steamboat era of 19th and 20th centuries. The proposed re-alignment has not been investigated archeologically to define and identify submerged cultural resources including their integrity and significance.

We request that the Corps defer permit issuance until a Phase I identification survey of the area is performed. This survey should be carried out by a qualified professional archeologist and include areas impacted by the project and project equipment. The survey needs to be performed in accordance with the "Standards and Guidelines for Archeological Investigations in Maryland" (Shaffer and Cole 1994) and with Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (1983). Based upon the results of the survey, we will be able to determine whether or not the project will affect any cultural resources and make appropriate recommendations. Further consultation with our office will be necessary to fulfill compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Thank you for your cooperation and assistance. We request that you keep the cultural resource information in this letter confidential, to avoid any unlawful artifact collecting. If you have any questions or require further information, please contact Dr. Susan Langley (410) 514-7662) or Mr. Stephen Bilicki (410) 514-7668

Sincerely

Dr. Susan B.M. Langley

State, Underwater Archeologist

200000719

Dr. John Seidel CC:

Mr. Robert Rosenbush (Md. Clearinghouse)

Mr. Rick Ayella (MDE) Ms. Elizabeth J. Cole

Mr. Stephen Bilicki



PLEASE COMPLETE YOUR REVIEW & RECOMMENDATION BEFORE March 14,2000

RETURN COMPLETED FORM TO: Linda C. Janey, J.D., Manager, Clearinghouse & Plan Review Unit, Maryland Office of Planning, 301 West Preston Street, Room 1104, Baltimore, Maryland 21201-2365

State	Anni	lication Identifier:	MD20000222-0101	Clearinghouse Contact: Bop Rosenbush				
Location:			ANAR BCIT BLCO CECL KENT TLBT	Clearinghouse Phone: (410) 767-4490				
Applicant:			U.S. Army Corps of Engineers					
Description:			Public Notice: New Work & Maintenance Dredging Baltimore Harbor & Channels, Brewerton Channel Eastern Extension, Tolchester Channel S-turn Straightening: placement dredged material at Poplar Island or Hart-Miller Island					
	Bas	ed on a Review o	f the Information Provided, We H	ave (🗸) Checked the Appropriate Determin	nation Below			
	•		CONSISTENT RESPONSE	S - STATE AGENCIES ONLY				
	C1	C1 It is consistent with our plans, programs, and objectives.						
	C2	It is consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1998.04 (Smart Growth and Neighborhood Conservation Policy). and our plans, prog and objectives.						
	C3	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal state historic preservation requirements have been met.						
	C4	(DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.						
	C7	(OR ONLY) Is a pagistent with the requirements of State Finance and Procurement Article 5-7B-02: 03:04 and 05 Smart Growth						
		CO	NSISTENT RESPONSES - C	COUNTY & LOCAL AGENCIES ONLY	en e			
	C5	It is consistent with our plans, programs, and objectives.						
	C6	It is consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of 1992), State Finance and Procurement Article 5-7B- Smart Growth and Neighborhood Conservation (Priority Funding Areas), and our plans, programs, and objectives.						
			OTHER RESPONS	ES - ALL AGENCIES				
	R1		DNSISTENT WITH QUALIFYING (ached qualifying comment is submitted for		lans, programs and			
X	R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment.						
	R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies: or it may duplicate existing program activities, as indicated in the attached comment. If a meeting with the applicant is requested, please check here.						
	R4	ADDITIONAL INFORMATION REQUESTED: Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here.						
	R5	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.						
	R6	R6 SUPPORTS "Smart Growth" and Federal Executive Order 12072 (Federal Space Management), which directs federal agencies to local facilities in urban areas.						
Attac	h add	litional comments if	pecessary <u>OR</u> use the spaces below for 2000 -	brief comments. Refer to attacked	letter			
Name		Stenhon	K. Bilicki	Signature: Signature:	Bliki'			
	e: nizati	on: Mary	and Historical Trust:	Phone: (41) 514-76	68			
Addr		100 601	nmunity place, Cyownsvillett	1. Date Completed: <u>3/22/</u> 6	2000			

The County Commissioners of Kent County

RONALD H. FITHIAN

PRESIDENT

ROCK HALL, MD

LARRY B. BECK MEMBER CHESTERTOWN MD

W. MICHAEL NEWNAM MEMBER CHESTERTOWN, MD Kent County Government Center 400 High Street Chestertown, Maryland 21620 Telephone 410-778-7435

Facsimile 410-778-7482
E-MAIL kentcounty@kentcounty.com
www.kentcounty.com

T. EDWARD ROBINSON COUNTY ADMINISTRATOR

JANICE F. FLETCHER EXECUTIVE ASSISTANT

ERNEST S. COOKERLY

ATTORNEY TO
COMMISSIONERS

March 28, 2000

District Engineer U.S. Corps of Engineers Baltimore District P.O. Box 1715 Baltimore MD, 21203-1715

Re: Public Notice OP-00-1

Gentlemen:

We wish to formally request scheduling of a public hearing on Public Notice OP-00-1, regarding the proposed dredging of a new Channel in the area of Tolchester, in the waters of Kent County Maryland.

We urge you to schedule a public hearing on this matter so that all opinions, views and concerns may be voiced.

Thank you for your attention to this matter.

Very truly yours,

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

Larry B. Beck, Member

V. Michael Newnam, Member

KCC/jkl

cc: Larry Simns, Maryland Watermen's Association Oueen Anne's County Commissioners



Recycled Paper

MARY ROE WALKUP
Legislative District 36
Kent, Queen Anne's, Cecil,
Caroline, and Talbot Counties

Economic Matters Committee

Subcommittees
Real Estate and Housing
Science and Technology

Unemployment Insurance



The Maryland House of Delegates
Annapolis, Maryland 21401-1991

April 3, 2000

District Office 12836 Still Pond Creek Road Worton, Maryland 21678 410-778-6635

Annapolis Office

423 Lowe House Office Building

By Appointment 357 High Street Chestertown, Maryland

District Engineer United States Army Corps of Engineers Baltimore District Post Office Box 1715 Baltimore, Maryland 21203-1715

Dear Sirs:

It has been brought to my attention that there are plans to dredge a new channel between Hodges Oyster Bar and an area of Kent County known as Tolchester. This project could potentially have a dramatic impact on the future of oyster production in this area and I believe the matter deserves further examination.

I would like to request a public hearing be held on this matter, so that the costs and benefits of this project can be more extensively evaluated. The involvement of all interested groups is essential to make sure this project is carried out in an best and most effective manner.

Thank you for your time and consideration in this matter. If I can be of further assistance, please do not hesitate to contact me.

With best wishes,

Mary Koe Walkup

House of Delegates

MRW:jmh



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

Mr. Jeffrey A. McKee Operations Manager, Operations Division U.S. Army Corps of Engineers Baltimore District Post Office Box 1715 Baltimore, MD 21203-1715

APR 0 7 2000

Re: FY 2000-2001 Widening of Brewerton Channel Eastern Extension and Straightening of Tolchester Channel S-Turn of the Baltimore Harbor & Channels 42-foot Federal Navigationi Project, Chesapeake Bay, Maryland.

Dear Mr. McKee:

Thank you for your letter dated March 14, 2000 in which you requested comments on the proposed dredging referenced above and any baseline environmental information within our area of expertise. You also indicated that the sediments to be dredged were analyzed in FY 1998 to characterize the chemical and physical properties, and that this information is available for review.

We feel that it is imperative that our two offices work closely together as you develop the NEPA documentation for these projects, covering both the specifics of the dredging itself, as well as the disposal of the material. The quality of the material in the Tolchester Channel area may be such that any material not placed at the Poplar Island Environmental Restoration Project could be used for other beneficial environmental uses. This same area also supports significant shellfish as well as finfish populations, and supports a significant commercial and recreational fishing habitat. We would like to work with you in ensuring that all potentially adverse environmental impacts are avoided or minimized.

We are keenly interested in these projects and request that you continue to coordinate project planning with our office. In the meantime, would you please provide us a copy of the FY 1998 sediment analysis referenced in your letter. Our point of contact for these projects will be Marria O'Malley Walsh (570-628-9685). Please feel to contact Ms. Walsh or myself with any questions regarding the above.

Sincerely,

Thomas Slenkamp, Acting Director Office of Environmental Programs

Thomas Lenkank

Customer Service Hotline: 1-800-438-2474



Parris N. Glendening Governor Ronald M. Kreitner
Director

April 11, 2000

Ms. Christina E. Correale Chief, Operations Division Baltimore District U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

REVIEW AND RECOMMENDATION

State Application Identifier:

MD20000222-0101

Description:

Public Notice: New Work & Maintenance Dredging Baltimore Harbor & Channels, Brewerton

Channel Eastern Extension, Tolchester Channel S-turn Straightening: placement dredged material at

Poplar Island or Hart-Miller Island

Applicant:

U.S. Army Corps of Engineers

Location:

Baltimore City, Anne Arundel, Baltimore, Cecil, Kent, and Talbot Counties

Approving Authority: ARMY

Recommendation:

Endorsement Contingent Upon Certain Actions

Dear Ms. Correale:

In accordance with Presidential Executive Order 12372 and Code of Maryland Regulation 14.24.04, the State Clearinghouse has coordinated the intergovernmental review of the referenced project. This letter with attachments, constitutes the State process review and recommendation. This recommendation is valid for a period of three years from the date of this letter.

Review comments were requested from the Maryland Departments of <u>Business and Economic Development</u>, <u>Environment</u>, <u>Housing and Community Development</u>, <u>including the Maryland Historical Trust</u>, <u>Natural Resources</u>, <u>and Transportation</u>; <u>Baltimore City</u>, <u>Anne Arundel</u>, <u>Baltimore</u>, <u>Cecil</u>, <u>Kent</u>, <u>and Talbot Counties</u>; and the <u>Maryland Office of Planning</u>.

The Maryland Departments of <u>Business and Economic Development</u>, <u>Environment</u>, <u>Natural Resources</u>, <u>and Transportation</u>; <u>Baltimore City</u>; <u>Anne Arundel</u>, <u>Baltimore</u>, <u>Cecil and Talbot Counties</u>; and the <u>Maryland Office of Planning</u> found this project to be **consistent** with their plans, programs, and objectives.

The Maryland Department of <u>Housing and Community Development</u>, including the <u>Maryland Historical Trust</u> and <u>Kent</u> <u>County</u> stated that their findings of consistency are contingent upon the applicant taking the actions summarized below.

Summary of Comments:

The <u>Maryland Historical Trust</u> asked the Applicant to defer the issuance of any permits pending the completion of a Phase I Archeological Identification Survey of the affected area. See the attached letter.

Kent County stated that the placement of dredged spoils should be on Poplar or Hart-Miller Islands. See the attached Response Sheet.

Ms. Christina E. Correale April 11,2000 Page 2

Any statement of consideration given to the comments should be submitted to the approving authority, with a copy to the State Clearinghouse. Additionally, the State Application Identifier Number <u>must</u> be placed on any correspondence pertaining to this project. The State Clearinghouse must be kept informed if the recommendation cannot be accommodated by the approving authority.

Please remember, you must comply with all applicable state and local laws and regulations. If you have any questions about the comments contained in this letter or how to proceed, please contact the State Clearinghouse at (410) 767-4490. Also please complete the attached form and return it to the State Clearinghouse as soon as the status of the project is known. Any substitutions of this form <u>must</u> include the State Application Identifier Number. This will ensure that our files are complete.

We appreciate your attention to the intergovernmental review process and look forward to your continued cooperation.

Sincerely,

Linda C. Janey, J.D.

Manager, Clearinghouse & Plan Review Unit

LCJ:BR:vh Enclosures

(* indicates with attachments)

. . . .

Kent - DBED*

Mueller - MDE*

Jones - DHCD*

Dintaman - DNR*

Spalding - MDOT*

Caffrey - ANAR*

Griffin - BCIT*

Svehla - BLCO*

Sennstrom - CECL*

Owings - KENT*

Cowee - TLBT*

Abrams - OPC*

Mammad - OPM*

Sheafor - OPL*



Parris N. Glendening Governor

Ronald M. Kreitner Director

DATE:

MEMORANDUM

Please complete this form and return it to the State Clearinghouse upon receipt of notification that the project has been approved or not approved by the approving authority.

TO.	Maryland State Clearinghouse		DATE:						
TO:	Maryland State Clearing and Maryland Office of Planning 301 West Preston Street Room 1104 Baltimore, MD 21201-2365		(Ple	ase fill in the date form completed)					
FROM:			PHONE:	(Area Code & Phone number)					
rkow:	(Name of person completing this form.)		(Area Code & Phone number)						
RE:	RE: State Application Identifier: MD20000222-0101 Public Notice: New Work & Maintenance Dredging Baltimore I Channels, Brewerton Channel Eastern Extension, Tolchester Channel Straightening: placement dredged material at Poplar Island or Hart-Mill								
PROJECT APPROVAL									
Thisinst/plan	n was:								
This project/plan	ii was.								
	Approved [Approved with	th Modification Disappro	ved					
Name of Approving Authority: Date Approved:									
FUNDING APPROVAL									
The funding (if	applicable) has been approved for t	he period of							
The funding (2			,	199 as follows:					
Federal:	Local:		State:	Other:					
OTHER									
Further comment or explanation is attached									

PLEASE COMPLETE YOUR REVIEW & RECOMMENDATION BEFORE March 14,2000

RETURN COMPLETED FORM TO: Linda C. Janey, J.D., Manager, Clearinghouse & Plan Review Unit, Maryland Office of Planning, 301 West Preston Street, Room 1104, Baltimore, Maryland 21201-2365

State Application Identifier: Location: Applicant:			MD20000222-0101 ANAR BCIT BLCO CECL KENT TLBT	Clearinghouse Conta Clearinghouse Phone			
			U.S. Army Corps of Engineers				
Description:		on:	Public Notice: New Work & Maintenance Dredging Baltimore Harbor & Channels, Brewerton Channel Eastern Extension, Tolchester Channel S-turn Straightening: placement dredged material at Poplar Isla or Hart-Miller Island				
	Ва	ised on a Review o	f the Information Provided, We H	lave (🗸) Checked the	Appropriate Determination Below		
			CONSISTENT RESPONS	ES - STATE AGENCI	TES ONLY		
	C1	It is consistent with our plans, programs, and objectives.					
C2		It is consistent with the policies contained in Executive Order 01.01.1992.27 (Maryland Economic Growth, Resource Protection, and Planning Act of 1992), Executive Order 01.01.1998.04 (Smart Growth and Neighborhood Conservation Policy), and our plans, programs, and objectives.					
	СЗ	(MHT ONLY) It has been determined that the project will have "no effect" on historic properties and that the federal and/o state historic preservation requirements have been met. (DNR ONLY) It has been determined that this project is in the Coastal Zone and is not inconsistent with the Maryland Coastal Zone Management Program.					
	C4						
	C7	(OP ONLY) It is consistent with the requirements of State Finance and Procurement Article 5-7B-02; 03;04 and 05 Smart Growth and Neighborhood Conservation (Priority Funding Areas).					
		CON	ISISTENT RESPONSES - C	OUNTY & LOCAL AG	SENCIES ONLY		
	C5						
It is consistent with the Economic Growth, Resource Protection, and Planning Visions (Planning Act of Procurement Article 5-7B- Smart Growth and Neighborhood Conservation (Priority Funding Areas), and objectives.					ning Act of 1992), State Finance and Areas), and our plans, programs, and		
			OTHER RESPONS	ES - ALL AGENCIES			
	R1	GENERALLY CON objectives, but the attac	NSISTENT WITH QUALIFYING Concerd qualifying comment is submitted for	COMMENTS: It is generation.	rally consistent with our plans, programs and		
(R2	CONTINGENT UPON CERTAIN ACTIONS: It is generally consistent with our plans, programs and objectives contingent upon certain actions being taken as noted in the attached comment.					
1	R3	NOT CONSISTENT: It raises problems concerning compatibility with our plans, programs, objectives, or Planning Act visions/policies; or it may duplicate existing program activities, as indicated in the attached comment. If a meeting with the applicant is requested, please check here.					
1	R4	ADDITIONAL INFORMATION REQUESTED: Additional information is required to complete the review. The information needed is identified below. If an extension of the review period is requested, please check here.					
I	KO I	FURTHER INTEREST: Due to further interest/questions concerning this project, we request that the Clearinghouse set up a conference with the applicant.					
	R6	SUPPORTS "Smart facilities in urban areas	Growth" and Federal Executive Order 12	2072 (Federal Space Managen	nent), which directs federal agencies to locate		
tach	addi	tional comments if ne	cessary <u>OR</u> use the spaces below for b	Placen Placen	rout of Dredg Spoil to		
			nd or Hunt-Mulan le		KENT COUNTY Department of Planning and Zoning		
me:		Gailwa	ap Omorics	/Signature:	County Government Center 400 High Street		
rganization:				Phone:	Chestertown, Maryland 21020		
ddress:				Date Completed:			
SH-1A				المنوب	esp on mo		



DEPARTMENT OF THE ARMY

BALTIMORE DISTRICT, U.S. ARMY CORPS OF ENGINEERS P.O. BOX 1715 BALTIMORE, MD 21203-1715

April 13, 2000

SUBJECT: Public Information Workshop on the Proposed New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland - 42-Foot Project - Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening

PUBLIC NOTICE - OP-00-2

NOTICE OF PUBLIC INFORMATION WORKSHOP

COMMENT PERIOD: April 13, 2000 to May 8, 2000

Public Information Workshop to be held from 1:00 to 8:00 p.m.

On Thursday, April 27, 2000

At the Radisson Hotel Annapolis, Kent Room

210 Holiday Court

Annapolis, Maryland 21401

(Exit 22 off Routes 50 and 301, entrance off Riva Road)

TO WHOM IT MAY CONCERN:

Notice is hereby given that the U.S. Army Corps of Engineer District, Baltimore will hold a public information workshop pursuant to Section 404 of the Clean Water Act of 1977 to consider the proposed widening and maintenance dredging of the Brewerton Channel Eastern Extension and proposed straightening of the Tolchester Channel S-Turn of the Baltimore Harbor & Channels 42-Foot Federal navigation project. The Baltimore District issued Public Notice OP-00-1 on February 18, 2000 describing the proposed dredging. The District received several requests for public meetings and public hearings in response to the Public Notice.

The purpose of the Public Information Workshop is to afford all interested persons the opportunity to present their views regarding the proposed work. All interested parties, including representatives of Federal agencies, State and Local Governments, and private individuals and organizations, are invited to attend or to be represented. Oral statements will be heard, but for accuracy and completeness of the record, all data in support of, or in opposition to the proposed work should be submitted in writing, setting forth sufficient detail to furnish a clear understanding of the reasons for support or opposition. Written statements may be either mailed or to the District Engineer prior to the Workshop or submitted at the workshop. Written Comments will continue to be accepted until May 8, 2000.

The Brewerton Channel Eastern Extension work consists of maintenance dredging of the 35-foot deep channel to remove existing shoaling and new work dredging to widen the western five miles of the channel from 450 feet wide to the authorized project width of 600 feet wide. The River and Harbor Act of July 3, 1958 authorized construction of the project to 35 feet deep and 600 feet wide. The Tolchester Channel S-Turn work consists of dredging a new straight channel 2 miles long, 35 feet deep, and 600 feet wide to realign the existing Tolchester Channel S-Turn for navigation safety. The Water Resources Development Act of 1999 authorized straightening of the Tolchester Channel S-Turn. The proposed work is to provide a 35 foot deep channel and not to provide a deeper channel. The dredging will include two feet of advanced maintenance dredging and two feet of allowable overdepth dredging. The plans and location of the proposed work are shown on the enclosed map.

Approximately 2,700,000 cubic yards of material from the Brewerton Channel Eastern Extension and 2,800,000 cubic yards of material from the Tolchester Channel S-Turn, consisting primarily of mud, silt, sand, shell and mixtures thereof, would be dredged by clamshell and scow, hydraulic pipeline, and/or hopper dredge. The material will either be placed at the 640-acre Poplar Island Environmental Restoration Project located on the eastern side of the Chesapeake Bay northwest of Tilghman Island in Talbot County, or the State of Maryland will provide the 1,140-acre Hart-Miller Island dredged material containment facility located in the upper Chesapeake Bay near the mouth of Back River in Baltimore County for the deposition of material from the proposed dredging. Dredging is scheduled to commence in July 2000 and to be completed in February 2001. The Brewerton Channel Eastern Extension would be dredged first, progressing from west to east, followed by the Tolchester Channel S-Turn straightening.

The decision whether to accomplish the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed work on the public interest. The decision will reflect the national concern for the protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered; among those are conservation, economics, aesthetics, energy needs, general environmental concerns, fish and wildlife values, wetlands, historic and cultural values, navigation, shoreline erosion and accretion, water quality, flood hazards, flood plain values, land use, recreation, safety, food production, and in general, the needs and the welfare of the people. The work will not be accomplished unless it is found to be in the public interest.

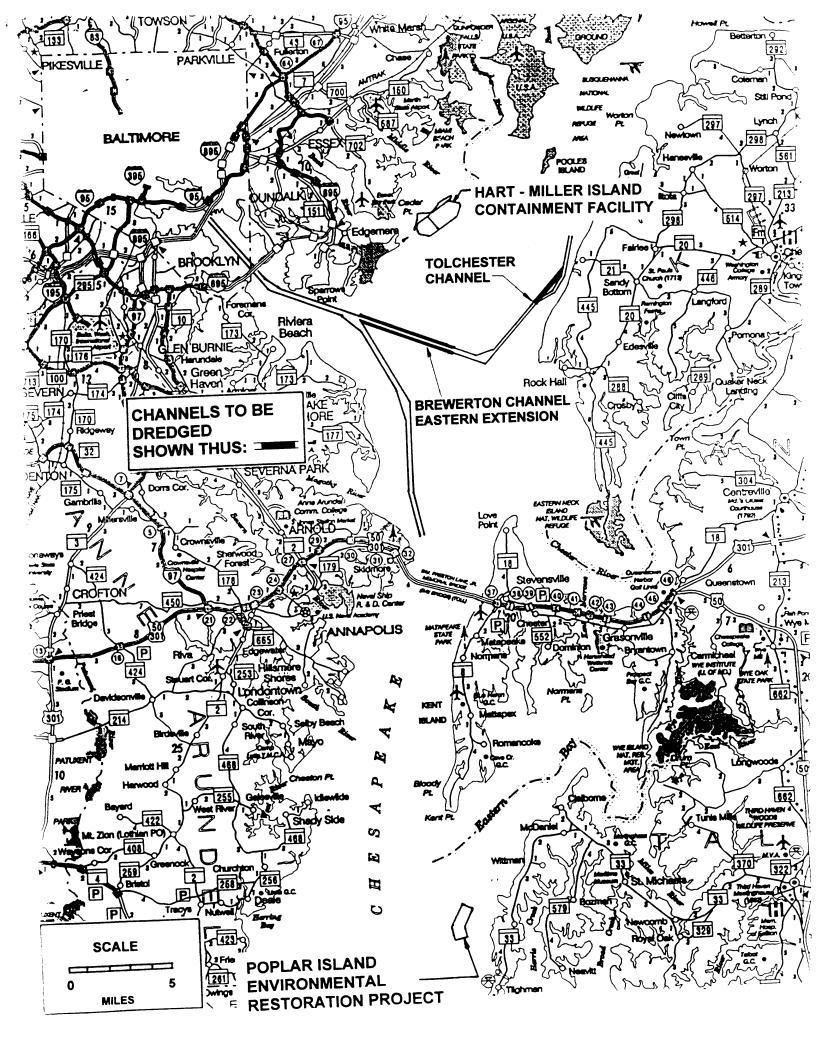
Written comments regarding the proposed work and related factors described above must be received by the District Engineer, U.S. Army Corps of Engineers, Baltimore District, P.O. Box 1715, Baltimore, Maryland 21203-1715 within the comment period specified above to receive consideration. Please contact Mr. Jeffrey McKee at (410) 962-5657 if there are any questions regarding the proposed work.

Please communicate the foregoing information concerning the proposed work to any persons known by you to be interested, and who not being known to this office, do not receive a copy of this notice.

Christina E. Correale Chief, Operations Division

Christina E. Conesh

Enclosure
Map of Dredging Area and
Dredged Material Placement Area



The County Commissioners of Kent County

RONALD H. FITHIAN
PRESIDENT
ROCK HALL, MD

LARRY B. BECK MEMBER CHESTERTOWN MD

W. MICHAEL NEWNAM MEMBER CHESTERTOWN MD

Kent County Government Center 400 High Street Chestertown, Maryland 21620 Telephone 410-778-7435

Facsimile 410-778-7482
E-MAII. kentcounty@kentcounty.com
www.kentcounty.com

T. EDWARD ROBINSON COUNTY ADMINISTRATOR

JANICE F. FLETCHER EXECUTIVE ASSISTANT

ERNEST S. COOKERLY

ATTORNEY TO
COMMISSIONERS

April 18, 2000

District Engineer U.S. Corps of Engineers Baltimore District P.O. Box 1715 Baltimore MD, 21203-1715

Re: Public Notice OP-00-2

Gentlemen:

We wish to formally request that a public information workshop be located in Kent County on Public Notice OP-00-2, regarding the proposed dredging of a new Channel in the area of Tolchester. The proposed dredging and channel modification is positioned on the Kent County shoreline and may impact the residents of Kent County. We acknowledge the public information workshop scheduled in Annapolis on April 27 and urge that the location be changed or an additional workshop be provided at a venue more convenient to the residents of Kent County. We wish to ensure that all parties effected and concerned be apprised of this project and have the opportunity to voice concerns.

Please contact this office if you wish additional information. Thank you for your attention to this matter.

Very truly yours,

THE COUNTY COMMISSIONERS OF KENT COUNTY, MARYLAND

Ronald H. Fithian, President

Larry B. Beck, Member

W. Michael Newnam, Member

KCC/jkl

cc: Larry Simns, Maryland Watermen's Association

Queen Anne's County Commissioners





MARYLAND SALTWATER SPORTFISHERMEN'S ASSOCIATION, INC.

7626 Baltimore & Annapolis Blvd., Glen Burnie, MD 21060-3530 (410) 768-8666, FAX (410) 768-5988

April 20, 2000

Jeffrey McKee
District Engineer
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203-1715

Dear Mr. McKee,

On behalf of the Maryland Saltwater Sportfishermen's Association (MSSA) which is composed of over 6,500 conservation-minded members, we would like to voice our displeasure with the Corps concerning the scheduling of the Public Information Workshop-Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening.

We hope that this important public meeting (workshop) was inadvertently scheduled two days after the start of Maryland's striped bass season. Recreational and charterboat fishermen have made plans for several months to participate in one of Maryland's most exciting fisheries, which starts on April 25th. The recreational and charterboat industry, as well as the commercial watermen, will feel the brunt of this very harmful environmental proposal. We find it hard to comprehend that the Corps could not take the time to communicate with the various state agencies in reference to any conflicts concerning holding a public hearing.

The MSSA feels that the Corps or whoever was behind the initiation of this proposal, had no consideration for the fishing community by scheduling this hearing on this date which will make it difficult for the recreational and charterboat fishing community to be present to air their views. As important as this issue is to the stakeholders of the Chesapeake Bay giving a nine day notice via the newspaper is not enough time for these stakeholders to rearrange their work schedules or to cancel previous scheduled activities to attend this meeting.

We urge the Corps to cancel this meeting for at least a couple of months and give at least a 3 to 4 week notice of the workshop. If you truly want public comments you should consider our recommendation.

You have heard public comments concerning Site 104 from the various stakeholders throughout the bay. In our opinion, this issue is just as controversial as Site 104 itself. We will not comment on the environmental problems that this project would cause at this time. We are only asking for a fair opportunity to give comment on this hazardous situation.

Thank you in advance for your consideration to this all-important matter.

Sincerely,

Richard Novotny

Executive Director



NSCSA (AMERICA) INC.

HEAD OFFICE WORLD TRADE CENTER 401 EAST PRATT STREET 26TH FLOOR BALTIMORE, MD 21202

PHONE: 410-625-7000 1-800-732-0204 FAX: 410-625-7050 TELEX: 49616894 NSCSA UI

April 26, 2000

Colonel Bruce A. Berwick, P.E. District Engineer
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203

Subject: Support for Improvements to the Brewerton and Tolchester Channels to the Port of Baltimore

Dear Colonel Berwick,

We as general agents for National Shipping Company of Saudi Arabia urge you to follow through with the improvements to the Brewerton and Tolchester Channels with out delay.

Our vessels routinely transit these channels and have on occasion gone aground due to the tight maneuvering through them.

Please give your utmost concern to the badly needed improvements and maintenance required for the above subject channels.

Best regards,

Steven J. Webster

Marine Operations Rep.

Cc; Capt. Ian Sairns, V.P. Operations / RoRo / Breakbulk Service

Muter

3720 DILLON STREET [] BALTIMORE, MARYLAND 21224-5239 [(410) 276-1337 [] FAX: (410) 276-1364
PRESIDENT'S FAX: (410) 276-4197 [] CABLE: MARPILOT BALTIMORE [] TELEX: 87-574

April 26, 2000

Colonel Bruce A. Berwick District Engineer U. S. Army Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Dear Colonel Berwick,

This letter will express our full support for straightening the Tolchester Channel and widening the Brewerton Channel Eastern Extension. These projects are of vital concern to our membership, to users of the Port of Baltimore and to other port and Chesapeake Bay interests regarding navigation safety in the approach channels to the Port of Baltimore. These two projects are of high priority and address the navigational needs of vessels calling at the port, and we are requesting that you complete them as expeditiously as possible.

Tolchester Channel was originally designed to utilize natural deep water in order to minimize dredging costs and allow for increases in vessel loads. This resulted in the creation of an "S" turn at the northern end of the channel. As vessel size has increased, the "S" turn has become more difficult and groundings have resulted. Subsequent modifications and additional buoys have addressed the problem, but only in part. Pilots continue to report close calls and near misses, especially during periods of reduced visibility and during winter ice. A straightened channel will have many advantages, increasing navigational safety, reducing the potential for maritime accidents and thereby helping to protect the Chesapeake Bay environment.

Widening the Brewerton Extension to 600 feet was authorized under the Baltimore Fifty-foot Channel Project, and is long overdue. This channel section is only 450 feet in width, a width that lies well below Corps of Engineers criteria for channel design, especially since the area is exposed to high winds and cross currents. Under adverse wind and weather conditions, a vessel is forced to "crab" through this narrow channel section, sweeping a path much wider than the beam of the vessel. We consider this an extremely important safety issue and a high priority issue.

Colonel Bruce A. Berwick April 26, 2000 Page Two

Tolchester and Brewerton Extension channels are part of the northern approach channels from the Chesapeake and Delaware Canal to Baltimore, and form part of an important waterway serving the port. The channel system is used by large container ships and auto carriers and many other vessels. As ships have grown in size, the need to make minor modifications in the channel system have become apparent. With the cooperation and guidance of the Corps of Engineers, some of those modifications have been achieved. But problem areas still remain, and we request that you act to complete the Tolchester straightening and the Brewerton Extension Widening at the earliest possible date.

We are happy to provide this written documentation along with our spoken testimony in support of early accomplishment of these crucial channel modification projects. We will be pleased to provide you with any additional information you may require.

Yours truly,

Captain Michael R. Watson

President

DE-ONIZ CV-LURS



EVERGREEN AMERICA CORPORATION

BALTIMORE OFFICE

3435 BOX HILL CORPORATE CENTER DRIVE, SUITE G. ABINGDON, MARYLAND 21009 TEL: (443) 987-3000

April 27, 2000

M

Colonel Bruce A. Berwick, P.E. District Engineer Baltimore District U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203

SUBJECT: SUPPORT FOR IMPROVEMENTS TO THE BREWERTON AND TOLCHESTER CHANNELS TO THE PORT OF BALTIMORE

Dear Colonel Berwick,

Evergreen Marine Corporation is a major customer of the Port of Baltimore, and the largest containerized shipping line calling the Port. We have weekly vessel calls to Baltimore, and have historically been a heavy user of the C&D Canal access route to the Port.

Evergreen has advocated improvements to the C&D Canal, and the related approach channels, for some time now. In fact, we are disappointed at the slow implementation of these improvements.

The Tolchester S-Turn is dangerous. Our ships must make several course corrections within a short distance. This channel would be much safer if it were straightened. The Brewerton Channel is too narrow and requires widening. This would improve safety.

Evergreen Marine Corporation is considering consolidating its business in either the Port of Baltimore or Norfolk. The channel improvements to the C&D Canal route will be a major consideration of ours in making this decision. Evergreen urges that these improvements be constructed as soon as possible.

Evergreen America Corporation

ige & Thomas

Junior Vice President

4/27/00 Dear Sir, This is a contination of the written opositions unote you on the Tolchister Sturm + Breweton Chandle undering Lastfall (nov.) worthe Best months feeling we have had in upper bup. Every time of westout only had to go to the Breweston Chammel +Thefisheverethere. 38' To 40' from first below Tolchaster to N.W. of 6' knoll. any draging in this area would be harmful to the fisheries. a distantor for the charter Sout inclusty & sport fisherman Ove reason for the fire bite is the bait is there altracked to the edges + bollows + it holosthe boat there fileats the dey. any changes to the colges thattom would the chance everglhuig out of Willer I rember 30 yss out a goveles Alraight down the bay from Tolowiee to the certoff -Fremember a ship recuing aground notifice from Laborthood Thats when they mouset the channel shorewood, wherethe water now naturally 50 deep. It worthe formar Deal of the Seastly river, hard Dottom + the northern part of it from Tolchester to Hodger Bar never needed drawing. It was scoured out from tedal flow. Here we are having personance getting richt dreat malerial + you word croaling make of a problems also by circlening Brown Otenuel. Fast + lass Dig ships are using the eggper boy channols que have loss use of deep terater diameli. The CAD channel in wednow by shallow water draft, leag, bouges Thou big ships requiring a deep droft fouronce Thomas And Charter Boot association. Boots ma 21327 Thomas Mans. B. Bratter Boot association. 410-566-4994 you Unno. B. .. Proster Boat Caroca.



Hapag-Lloyd (America) Inc. • 6610 Tributary Street • Suite 310 • Baltimore, Maryland 21224

Hapag-Lloyd (America) Inc.

6610 Tributary Street Suite 310 Baltimore, Maryland 21224

Telephone: (410) 633-3199 Fax: (410) 633-5697

Monday May 1, 2000

Colonel Bruce A. Berwick, P.E. District Engineer Baitimore District U.S. Army Corp of Engineers P.O. Box 1715 Baltimore, Maryland 21203

RE: Proposed New Work and Maintenance Dredging: Brewertown Channel Eastern Extension and Tolchester Channel S-turn Straightening

Dear Colonel Berwick,

I am replying to Public Notice –OP-00-2 regarding the proposed new work and maintenance dredging in the Brewertown Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening.

The Brewertown and Tolchester channels must be improved. Our shipping line uses the C+D Canal and its related approach channels for most of our ships calling Baltimore. The system is non-competitive and unsafe by today's standards. We urge the Corps of Engineers to proceed immediately with widening of the Brewerton Channel and straightening of the Tolchester Channel.

With the same emphasis our company would like to endorse our strong support for Site 104and hope that the Baltimore Corps of Engineers' Record of Decision will support this initiative.

Sincerely

Marty Urlock

FMC OTI License No. 0010N/F Y2K Compliant

Colonel Bruce A. Berwick, P.E. District Engineer
Baltimore District
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, MD 21203

May 2, 2000

RE: Proposed New Work and Maintenance Dredging: Brewerton Channel Eastern Extension Widening and Tolchester channel S-Turn Straightening

Dear Colonel Berwick:

I am replying to Public Notice-OP-00-2 regarding the proposed new work and maintenance dredging in the Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening.

The Brewerton and Tolchester channels must be improved. Our shipping line uses the C&D Canal and it's related approach channels for most of our ships calling at Baltimore. The system is non-competitive and unsafe by today's shipping standards. We urge the Corps of Engineers to proceed immediately with widening of the Brewerton Channel and straightening of the Tolchester Channel.

With the same emphasis our company would like to endorse our strong support or site 104 and hope that the Baltimore Corps of Engineers Record of Decision will support this initiative.

Very truly yours,

Roberto I. Gutierrez, President

cc: Richard J. Gutierrez, Executive Vice-President

cc: John Ryan, General Manager

cc: James J. White, Executive Director

Maryland Port Administration
The World Trade Center

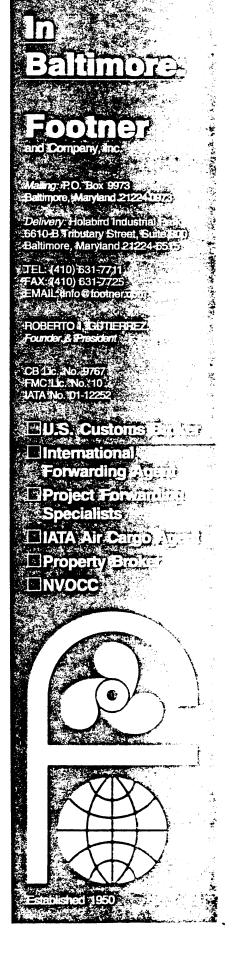
Baltimore, MD 21202-3041

cc: Victoria Richards

Maryland Port Administration

The World Trade Center Baltimore, MD 21202-3041

Tel: 410/385-4791 Fax: 410/385-4790





HUAL NORTH AMERICA

Colonel Bruce A. Berwick, P.E. District Engineer Baltimore District U. S. Army Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203

RE: Proposed New Work and Maintenance Dredging: Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening

Dear Colonel Berwick:

I am replying to Public Notice-OP-00-2 regarding the proposed new work and Maintenance dredging in the Brewerton Channel Extension Widening and Tolchester Channel S-Turn Straightening.

The Brewerton and Tolchester channels must be improved. Our shipping line uses the C&D Canal and its related approach channels for the most of our ships calling at Baltimore. The system in non-competitive and unsafe by today's shipping standards. We urge the Corps of Engineers to proceed immediately with widening of the Brewerton Channel and straightening of the Tolchester Channel.

With the same emphasis our company would like to endorse our strong support for Site 104 and hope that the Baltimore Corps of Engineers' Record of Decision will support this initiative.

Very truly yours,

Harry Hussein

National Sales Manager Automotive

For HUAL North America

original-op cops-GAU -PAO

Colonel Bruce A. Berwick, P.E. District Engineer Baltimore District U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203

SUBJECT: Response to the Public Notice OP-00-2 regarding the Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening

Dear Colonel Berwick:

Atlantic Container Line (ACL) strongly supports the proposed improvements to the Brewerton and Tolchester approach channels to the Port of Baltimore. These improvements to the approach channels of the C&D Canal access route are essential.

The C&D Canal access route to the Port of Baltimore is not as safe as it could be. There are three major issues with the route: 1) it is too shallow at only 35 feet, 2) the Tolchester S-Turn is dangerous because it requires five course changes within a short distance, and 3) the Brewerton Channel is too narrow. All of these factors mean that the access route is not as competitive or attractive as it could be. Improving the Tolchester S-Turn and Brewerton Channels as soon as possible will help significantly.

Atlantic Container Line is an important player in the Port of Baltimore. ACL has 52 ship calls per year into the Port. We use the C&D Canal route frequently and especially when our ships are behind schedule. We would likely use the Canal route more if it were improved.

We encourage the Corps of Engineers to proceed with these projects as soon as possible.

Very Truly Yours,

Hill Sylut

Baltimore Port Manager Atlantic Container Line





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401

May 5, 2000



Colonel Bruce A. Berwick District Engineer U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Attn: Jeffrey McKee

Brewerton Channel Eastern Re:

Extension and Tolchester Channel S-

Turn Realignment

Dear Colonel Berwick:

The responds to Public Notice OP-00-1 dated February 18, and Mr. McKee's letter dated March 14, 2000, requesting comments on the dredging proposed for the Brewerton Channel Eastern Extension and the realignment of the Tolchester Channel S-turn. The following comments are submitted in accordance with provisions of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) and Section 7 of the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.).

The work in the Brewerton Channel Eastern Extension involves the dredging of 400,000 cubic yards of sediment to maintain the existing channel and 2,300,000 cubic yards to accomplish the authorized widening from 450 to 600 feet. The work in the Tolchester Channel involves dredging 3,000,000 cubic yards of material from a new authorized channel section which would replace the S-turn section. The dredged material would be placed at the Poplar Island Environmental Restoration Project. Some of the material may be deposited at the Hart-Miller Containment Facility if necessary to avoid overloading the Poplar Island Project. The widening of the Brewerton Extension channel would increase the annual maintenance dredging requirement by approximately 69,300 cubic yards. The Tolchester S-turn realignment, which is shorter and narrower than the existing route, is projected to decrease the annual maintenance dredging requirement by 43,000 cubic yards.

Because of the difficulty in providing long-term dredged material disposal sites for the channels serving Baltimore Harbor, the Service is always concerned about the impact of "new work" projects on available disposal capacity. However, the proposed projects appear warranted to maintain safe and efficient use of the existing 35-foot deep channels. We understand that the hydrodynamic studies conducted by the Waterways Experiment Station have indicated that currents in the Tolchester Channel will not be significantly altered by the straightening. The sediment grain size and chemical composition are generally similar to that of the routine maintenance material from this area. No adverse biological impacts beyond those associated with normal project maintenance are expected.

There have been recent captures of shortnose sturgeon (Acipenser brevirostrum) in the area between the Patapsco River and Pooles Island. This species, which is Federally listed as endangered, has been known to suffer mortality during certain types of dredging operations. Since this species is under the jurisdiction of the National Marine Fisheries Service, we recommend that you contact John Nichols of the Oxford, MD office at (410) 226-5771. Except for occasional transient individuals, no other Federally listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project impact area. Therefore, no Biological Assessment or further Section 7 Consultation pursuant to the Endangered Species Act of 1973 is required with the Fish and Wildlife Service. Should project plans change, or if additional information on listed or proposed species becomes available, this determination may be reconsidered.

In conclusion, the Service has no objection to the project. If there are any questions, please contact George Ruddy at (410) 573-4528..

John P. Wolflin

Supervisor

Chesapeake Bay Field Office



May 5, 2000

Colonel Bruce A. Berwick District Engineer U.S. Corps. of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Dear Colonel Berwick:

We, as the largest oil barging company in Maryland, fully support both the widening of the Brewerton Channel eastern extension and for straightening the "S" area of Tolchester Channel. These two safety improvements are of utmost importance to the environment of the Chesapeake Bay, the shipping interests, and to the Port of Baltimore.

As recently as on Tuesday, April 18, 2000, at 1330 hrs., the oil barge ST#112, was hard grounded at the turn near Brewerton Channel, heading to Baltimore. This 420' barge was carrying 100,000 BBLS. #6 fuel. With 100 ft. of her stern down and her bow high and dry, there could have been a possible oil spill of over four million gallons of black oil. With 25 knot winds, a Vane Bunkering barge and tug were contacted to lighter the vessel. This was within two hours of her grounding. Thus a major oil spill was avoided, and the tow was back in the channel sailing to Baltimore at 0230 hrs.

This is a dangerous shoal area and The Vane Brothers Co. requests that the Corps. of Engineers act quickly to dredge, widen and straighten these dangerous channels to make them environmentally safe for the Chesapeake Bay and for ships sailing to and from Baltimore.

We would be pleased to give you further documentation on this occurrence, if necessary.

Yours Truly,

Charles F. Hughes, Chairman

NOCK SHEET

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	Vessel Name: Barge S.T. 112 LATH BULLITH.
	O.N. / Class ID.: D606890 *L: 420 *B: 70.10 *D: 28.90
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	□ Fire □ Explosion □ Capsizing □ Oil Spill/HAZMAT Release □ Collision/Allision □ Structural Damage □ Flooding □ Date/time of casualty: 1330 4/18/00
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COSCO North America, Inc.

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Colonel Bruce A. Berwick, P.E. District Engineer **Baltimore District** U.S. Army Corps of Engineer P.O. Box 1715 Baltimore, MD 21203

Proposed New York Work and Maintenance Dredging: Brewerton Channel RE: Eastern Extension Widening and Tolchester Channel S-Turn Straightening

Dear Colonel Berwick,

I am replying to Public Notice – OP-00-2 regarding the proposed new work and maintenance dredging in the Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening.

The Brewerton and Tolchester channels must be improved. Our shipping line uses the C&D Canal and its related approach channels for most of our ships calling at Baltimore. This will not only aid vessels passing through the channel, but make it safer for all users of the channel and nearby land. We urge the Corps of Engineers to proceed immediately with widening of the Brewerton Channel and straightening of the Tolchester Channel.

With the same emphasis our company would like to endorse our strong support for Site 104 and hope that the Baltimore Corps of Engineers' Record of Decision will support this initiative.

Very truly yours,

Gene Johnson
Regional General Manager



orismal- op copg-GAO -PAO

Parris N. Glendening Governor

Maryland Port Commission

John D. Porcari Chairman

J. Owen Cole Calvin E. Drummond Thomas T. Koch Milton H. Miller, Sr. Fred L. Wineland David L. Winstead

James J. White Executive Director

Maryland Port Administration The World Trade Center Baltimore, Maryland 21202-3041

May 5, 2000

Colonel Bruce A. Berwick, P.E. District Engineer Baltimore District U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21203

Response to Public Notice OP-00-2 regarding the Brewerton Channel SUBJECT: Eastern Extension Widening and Tolchester Channel S-Turn Straightening

Dear Colonel Berwick:

I am writing to reiterate to you the strong support of the Maryland Port Administration/ Maryland Department of Transportation for the widening of the Brewerton Channel and the straightening of the Tolchester Channel. I believe that these channel improvement projects are critical to both the continued safety, and the competitive position, of the Port of Baltimore.

Our shipping line customers, and the Association of Maryland Pilots, have been asking for these projects for several years. Over the years, we have heard repeatedly that the several course changes required to navigate the Tolchester Channel have resulted in close calls relative to possible grounding of the ships. Widening the Brewerton Extension was, as you know, authorized many years ago and is long past due. The 450 feet channel width is well below Corps of Engineers' criteria for channel design. Both of these improvements are vital to keeping the C&D Canal channel system to Baltimore competitive and safe. While these improvements have been a goal of both of ours for several years, the increasing size of ships using this channel system make these modifications even more critical.

The maritime community in Baltimore is fully supportive of these channel improvement projects, which I believe you will see in the response to your public notice asking for comments.

The Maryland Port Administration/Maryland Department of Transportation (MPA/MDOT) has worked with the Maryland Congressional Delegation over the last several years to obtain the necessary authorizations and appropriations for these improvement projects. Our Congressional Delegation has been successful in this regard and is supportive of these projects. I think it would be a huge mistake if these projects were not to go forward.

1-800-638-7519

Colonel Berwick Page Two

I thank you for your continued help and support of the Port of Baltimore. I urge you to proceed with implementation of the Tolchester Channel straightening and Brewerton Channel widening projects as soon as possible.

James J. White

Executive Director

Cc: Kathy Broadwater

Frank Hamons



MEDITERRANEAN SHIPPING COMPANY (USA) INC.

MY

Colonel Bruce A. Berwick, P.E. District Engineer
Baltimore District
U.S. Army Corps of Engineers
F.O. Box 1715
Baltimore, Maryland 21203

RE: Proposed New Work and Maintenance Dredging: Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening

Dear Colonel Berwick:

I am replying to Public Notice –OP-00-2 regarding the proposed new work and maintenance dredging in the Brewerton Channel Eastern Extension Widening and Tolchester Channel S-Turn Straightening.

The Brewerton and Tolchester channels must be improved. Our shipping line uses the C&D Canal and its related approach channels for most of our ships calling at Baltimore. The system in non-competitive and unsafe by today's shipping standards.

We urge the Corps of Engineers to proceed immediately with widening of the Brewerton Channel and straightening of the Tolchester Channel.

Just

Capt.E.Lorenzo Di Casagrande Vice President

2 Woodbine Circle Elkton, MD 21921 May 7, 2000

CC: DE GAO OP PAO OC

Col. Bruce A. Berwick
District Engineer
USACE -- Baltimore
P.O. Box 1715
Baltimore, MD 21303-1715

ADDITIONAL CONCERNS ABOUT PROPOSED DREDGING AND PLACEMENT ACTIONS -- BREWERTON AND TOLCHESTER PROJECTS

Dear Col. Berwick:

This letter responds to Public Notice - OP-00-2 dated April 13, 2000.

My previous letter (March 8, 2000) dealt with proposed dredging in the Brewerton Channel Eastern Extension and the Tolchester Channel S-Turn and requested a public hearing in accord with Public Notice - OP-00-1. I am disappointed the District had only a Public Information Workshop on April 27 and did not have a public hearing so that all interested parties could hear each other's concerns about the proposed dredging activities. I was further disappointed to find that, even though I had requested a hearing and filed substantive comments on March 8, I was not on the District's notification list for the (one and only) workshop. Unfortunately, I could not attend because I was prescheduled to be in Arizona that week – hence this second letter.

Both Public Notices state: "The decision whether to accomplish the proposed work will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed work in the public interest. ... The work will not be accomplished unless it is found to be in the public interest." In view of

- a. the insufficient economic justification (letter: JMW to CENAB; March 8,2000)
- b. the absence of significant safety justification (memo: HQUSACE to CENAB; July 7, 1997), and
- c. clearly adverse (and unassessed) environmental impacts,
 I believe that you have a more than adequate basis to conclude that neither the
 Brewerton Eastern extension nor the Tolchester S-Turn projects should be undertaken.
 I urge you to rationally and responsibly conclude that, on balance, these projects are
 NOT in the public interest.

TOLCHESTER CHANNEL S-TURN STRAIGHTENING:

This dredging project is a classic example of what is wrong with the national navigational dredging program. The sequence of its development was:

1. When first proposed by the Maryland Port Administration (MPA), Corps Headquarters (HQUSACE) determined that the project's scope and magnitude was too large for it to be categorized and performed as "maintenance".

2. Then, economic analysis by the Philadelphia District (CENAP), even with excessively unrealistic assumptions about traffic levels, was unable to conjure up a justifying benefit-to-cost ratio (BCR).

3. The Baltimore District (CENAB) then proposed the project as being needed for safety reasons - but HQUSACE found the rationale to be insufficiently

substantiated.

4. Because the project could not be justified economically, and could not be substantiated as needed for safety reasons, the MPA turned to Congress to overrule the Corps' process.

5. Finally, Congress (WRDA-99) directed that the project be performed as

"maintenance". [see foregoing item 1]

The Tolchester S-Turn project is a flagrant waste of taxpayer resources and has severe adverse environmental impacts [see comments of others, including Chesapeake Bay watermen]; I urge you to conclude that it should not be implemented.

BREWERTON CHANNEL EASTERN EXTENSION WIDENING:

My prior letter cited numerous problems (inadequacies and inaccuracies) with the economic justification of the Brewerton Extension widening. Additional concerns and questions are outlined below.

BASIC PREMISE: Large vessels cannot pass each other safely in the 450-ft wide Brewerton channel. They must either wait at a secure location or bypass the Brewerton channel via the longer Craighill-Swan Point route. Widening would (hopefully) save time and \$\$\$ for vessels using the northern approach channel to the Port of Baltimore.

This premise is countered by the statements *... the Brewerton Extension of the Baltimore Harbor approach ... is considered a one-way channel for larger vessels. The one-way arrangement is not considered a serious constraint due to the short (Emphasis added) Ref.: Brewerton Channel Eastern Extension; channel length." Limited Reevaluation Report and Environmental Assessment, Appendix F; Economics; Existing Conditions Report, DRI/McGraw-Hill; August 1997; p. 116.

COMMENTS and QUESTIONS:

- If vessels wait ... where? The report is vague and says "in port' or "Tolchester area". Provide substantive, credible documentation that vessels do indeed wait because of 'congestion' to use the one-way Brewerton Channel. Indicate what types and sizes of vessels actually have their schedules adversely impacted.
- The study assessed the transit times of vessels inbound via the C&D Canal to Baltimore for the limited time period of 1Q93. [Ref: Brewerton Channel Eastern Extension, Maryland; Limited Reevaluation and Environmental Assessment, Final Report, August 1997; p.118.] That data (the only quantification) suggested that possibly a maximum of 5 of 160 transits needed to by-pass the Brewerton channel. That indicates a maximum of 3.1% of the 'northern route' fleet might have needed to wait ... and that corresponds to <1% of the total inbound traffic to the Port. This

would seem to confirm the above statement that the one-way arrangement is NOT a serious constraint!

- What is the size and composition of the fleet actually using the Brewerton Channel?
 The report only provides information on the totality of vessels using the Port of Baltimore ... not the subset arriving and departing via the Brewerton route.
- What is the future size and composition of the fleet projected to use the Brewerton Channel? What portion of the fleet would benefit from widening? (I.e., vessels with beam >xxx fL) Without such details, any possible economic benefits accruing from widening the channel cannot be ascertained.
- The "design vessel" for the project is a Panamax containership 965 ft long with 106-ft beam (4000 TEU per EGM 99-05). The report indicates that 32% of the Brewerton fleet (C&D Canal) are containerships. However, in 1998, containerships accounted for 194 of the 747 vessels using the C&D Canal ... or 26%. Of those containerships, only 16 were 'pure' containerships in the 3000-4200 TEU range (105-106 ft beam). There were 5 additional combination RoRo/Cont vessels that used the Canal route. Thus only about 3% of the Brewerton route users in 1998 were similar to the "design vessel". Was that a good choice? Should some other vessel size have been selected?
- The premise suggests that, for some vessels, transit time in using the northern approach route (C&D Canal) will be saved by not having "to wait" at some location. What documentation exists that such time will be effectively utilized? None was provided in the District's analysis and report. Recent citizen analysis of containership activity at the Port has found that, for vessels arriving via the C&D Canal route, the <u>average</u> wait at berth before unloading commences is 7.6 hours. [Details available upon request.] This value is far greater than the 1.25 1.5 hours claimed in the current study to be "saved" by vessels not having to bypass the Brewerton Channel Eastern Extension. [Note that the referenced CENAB report found that 35-46% of the Baltimore fleet was comprised of cellular containerships.]
- The calculation of anticipated project benefits cannot be reconstructed from the information in the report. [Ref: Brewerton Channel Eastern Extension, Maryland; Limited Reevaluation and Environmental Assessment, Final Report; August 1997]
 - 1. There are inconsistencies in Tables 5, 7, and 8 of Appendix F as to the number of vessels using the project in the years 2000, 2010, 2010, etc. The data of Table 5 indicate that the number of vessels projected to annually use the Brewerton Extension route would be 1002, 1538, and 2254 for years 2000, 2010, and 2020, respectively. For a 73-day simulation period, those numbers would be 200, 308, and 451, respectively. Please explain the difference between those values and the much larger ones used in the system operating cost computations summarized in Tables 7 and 8.
 - 2. It seems that the no. of vessel calls used in the calculations for Tables 7 and 8 should be for 73-day simulation periods ... but, per Table 5, that would be about 200 vessels for the year 2000 ... not 1400-1750 vessel calls, as modeled. Using the wrong numbers significantly overstates system costs and, more importantly, grossly overstates the number of beam conflicts,

Page 3 of 4

which would be expected to vary as the square of the number of vessels using the system. Please explain.

3. System operating costs for each project alternative (550 ft, and 600 ft) should be calculated for the same number of vessels, for a given year. Note: In Tables 7&8, and the derived project benefits, the vessel numbers for the year 2000 are 1752 and 1767 for the 550 ft, and 600 ft alternatives, respectively. For the year 2020 the numbers are 2991 and 3307, respectively. To compare alternatives, the same number of user vessels should be utilized. Please explain.

4. The mathematics utilized in Tables 7 and 8 are wrong. [The average of a number of quotients is NOT the quotient of the average of the numerators and the denominators.] To ascertain average cost per user vessel, the unit cost for each simulation run should first be calculated; those unit costs should then be averaged. Taking the average system cost and dividing by the average number of vessels is the mathematically wrong way to calculate the average cost per vessel! Please recalculate Tables 7 and 8 ... AND, hence, ALL of the estimated project benefits.

5. The calculated values for system operating "unit costs" (cost per vessel call) have great variability ... especially for the 'without case'. For example, the sum of the standard deviations for the 450-ft data and the 600-ft data for the year 2000 are greater than the difference in the means for the two data sets. [1157 + 192 > 1304 (correct value vs. 1214 in Table 8)] What is the confidence that the computed benefits are actually statistically significant?

6. The system operating costs for several of the runs in the year 2000 are independent of channel width when identically the same number of vessels are simulated (e.g., no. = 1725, system operating costs = \$19,550,261). Thus, there is no apparent benefit resulting from any channel widening. Please explain.

ECONOMICS – SUMMARY:

In conjunction with the comments in my letter of March 8, I find:

A. data to support the basic premise are non-existent,

- B. the traffic projection databases used for the project are badly in error and grossly overstate benefits.
- C. there appear to be severe mathematical errors overstating benefits, and
- D. dredged material placement costs are markedly underestimated.

This combination of factors would reduce the Benefit-to-Cost Ratio (BCR) to less than unity (<1). The proposed project should not be approved!

Sincerely,

Sincerely,

John M. Williams, Ph.D.

Copy: Congressman Wayne T. Gilchrest

Page 4 of 4



Maryland Office • 111 Annapolis Street • Annapolis, Maryland 21401 (410) 268-8833 Fax (410) 280-3513

May 8, 2000

Colonel Bruce Berwick, District Engineer U.S. Army Corps of Engineers, Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

Re: Public Notice – OP-00-2; Proposed New Work and Maintenance Dredging Baltimore Harbor and Channels, Maryland – 42-Foot Project – Brewerton

Channel Eastern Extension and Tolchester S-Turn Straightening

Dear Colonel Berwick:

On behalf of the Chesapeake Bay Foundation (CBF), I am writing to express concerns regarding the proposed expansion of the Tolchester and Brewerton Channels in the northern Chesapeake Bay. CBF has always supported the economic well-being of Baltimore's Port and recognizes the need for maintenance dredging of navigation channels to ensure an adequate route to the port. However, we are concerned by the disconnect between the two proposed dredging projects and adequate environmentally sound dredged material disposal capacity. We are also concerned about potential adverse environmental impacts, including changing channel velocities, sedimentation of oysters, increased shore erosion, and nutrient release.

In the 1999 Draft EIS for Site 104, a clear connection was made between the need for Site 104 capacity to accommodate "new work" projects, including the Brewerton Channel Extension and Tolchester S-Turn Straightening project. The DEIS clearly states that "these new work projects would require the removal of an additional 18 MCY of dredged material from the Chesapeake Bay approach channels (DEIS p1-1)." The DEIS for Site 104 also clearly states that "the 18 mcy proposed for Site 104 are additional to the Poplar Island and HMI capacity. Although channel maintenance would be possible without utilizing Site 104, no capacity for new work would be available (DEIS p 2-46)."

However, the Public Notice OP-00-2 indicates that dredged material from these two new work projects, totaling roughly 5.5 million cubic yards of sediment, would be placed at either Poplar Island or Hart-Miller Island. Placing new work materials at these disposal sites means replacing maintenance work capacity. We do not believe it is appropriate to squander existing disposal capacity, necessary to maintain channels, while authorization of Site 104 capacity, designed to accommodate new work, remains undecided. Such decisions will likely lead to future capacity shortfalls and the initiation of more "short-term" open water sites.

The Chesapeake Bay Foundation is concerned about additional environmental consequences of the proposed new work projects. As the Corps of Engineers is well aware, nutrients are the most pressing pollution problem in the Chesapeake Bay. Though many sources of nutrients have previously been omitted from nutrient reduction strategies, we now know that sources beyond the obvious must be considered in order to adequately address the problem and share the solution.

All dredging and disposal of dredged material results in nutrient release. The nutrient releases associated with these two new work projects, even if already authorized by Congress, can not be ignored. The cumulative impacts of nutrient release from ongoing and new dredging and disposal activities should not be trivialized, when they are, in fact avoidable and controllable. Regardless of whether or not an Environmental Assessment of the Brewerton Channel new work project considered nutrient impacts, nutrient releases associated with both channel projects must be appropriately assessed and must be considered in the assessment of cumulative impacts of dredging in the Chesapeake Bay.

CBF also shares concerns raised by the Maryland Watermen's Association and others regarding the potential adverse effects of changing velocities by straightening naturally curved channel. Watermen report that the flows in the existing Tolchester Channel provide flushing of adjacent oyster bars, which prevent sedimentation from smothering these bars. The oyster bars remain productive, both in terms of commercial harvest, but more importantly as filters of the Bay's water. Straightening the Tolchester S-Turn will likely decrease flow over adjacent oyster bars. Changing the natural configuration of the channel will also likely change the processes of sediment movement within the channel.

Additional concerns regarding the straightening of the Toilchester channel have also been raised by local residents, watermen, and CBF members. Removing the S-Turn from the Tolchester Channel would ideally allow for more swift passage through the northern Bay to the Port of Baltimore. Unfortunately, more swift passage may also generate greater wakes and increase wave energies reaching the nearby Eastern Shore of the Bay. Increasing wave energies can exacerbate shoreline erosion and lead to sediment transport to nearshore oyster bars, decrease nearshore water clarity, and cause loss of important beach and wetland habitats.

It is our understanding that no wave energy studies have been undertaken to address the probable effects of increased vessel speed within this channel.

The management of dredging projects and dredged material disposal in the Chesapeake Bay must continuously be reassessed in order to assure that projects, both individually and cumulatively, are necessary, justifiable and environmentally sound. Until environmentally sound disposal capacity is available, and the effects of velocity, wave energy changes, and nutrient releases can be determined, neither project should be approved to begin. Commencing projects prior to ensuring adequate capacity for maintenance dredging will only lead to more expensive bandaids in the future. Ignoring potential adverse environmental impacts associated with the projects will amount to taking steps backwards in the ongoing efforts to protect and restore the Chesapeake Bay.

Thank you for the opportunity to provide comments on this matter.

Sincerely

Theresa Pierno

Maryland Executive Director

Cc: Congressman Wayne Gilchrest, Maryland First District

Brad Campbell, Administrator, EPA Region III

John Porcari, Secretary, Maryland Department of Transportation

3720 DILLON STREET
BALTIMORE, MARYLAND 21224-5239 (410) 276-1337 FAX: (410) 276-1364
PRESIDENT'S FAX: (410) 276-4197 CABLE: MARPILOT BALTIMORE TELEX: 87-574

26 September 2000

Colonel Charles Fiala
Department of the Army
U.S. Army Corps of Engineers
Baltimore District
PO 1715
Baltimore, Maryland 21203-1715

Colonel Fiala,

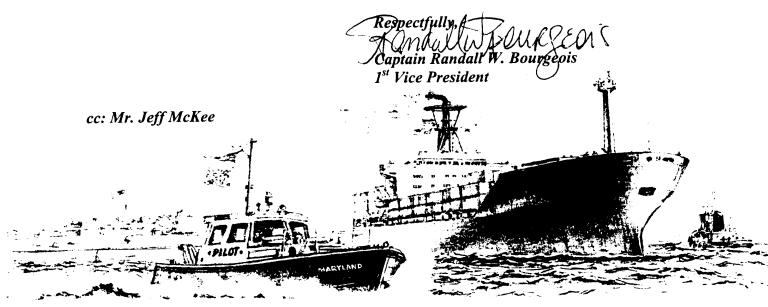
Pursuant to my recent discussion with Mr. Jeff McKee concerning vessels transiting the Tolchester Area, there are three points that should be made.

First, it is not anticipated that there will be an increase in vessel speeds as a result of the straightening project. All pilots are acutely aware of the safety concerns specific to this area. We will continue to navigate ships at a prudent and safe speed, a task that will be easier with a straightened channel.

Secondly, the end result of the proposed project shifts the channel westward thereby potentially reducing the wake caused by a ship's proximity to shallow water as well as increasing the area available for the dissipation of waves propagated by a ship's passage at any speed.

Finally, with respect to ships passing in narrow channels, it is easier to maintain navigational control when vessels approach straight-on rather than making multiple course alterations in a twisting turn. A straightened channel at Tolchester would ultimately enhance the safety parameters of shiphandling in the immediate area.

I hope this letter answers any safety related questions that you may have.





Parris N. Glendening Governor

Kathleen Kennedy Townsend Lt Governor

Harriet Tregoning Secretary Ronald N. Young Deputy Secretary

October 23, 2000

Mr. Mark Mendelsohn Project Manager U.S. Army Corps of Engineers Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

STATE CLEARINGHOUSE REVIEW PROCESS

Reply Due Date: November 16,2000 **State Application Identifier:** MD20001018-0960

Project Description:

Draft EA & FONSI - Proposed Straightening of the Existing 35-foot Deep Tolchester Channel S-Turn: dredge straight channel 2 miles long, 35 feet deep,

600 feet wide: to improve navigational safety

Project Location: Baltimore, Kent, and Talbot Counties

State Clearinghouse Contact: Bob Rosenbush

Dear Mr. Mendelsohn:

This letter acknowledges receipt of the referenced project. We have initiated the Maryland Intergovernmental Review and Coordination Process (MIRC) as of the date of this letter. You can expect to receive review comments and recommendations on or before the reply date indicated. Please place the State Application Identifier Number on all documents and correspondence regarding this project.

This project has been sent to the following agencies or jurisdictions for comment: The Maryland Departments of Budget and Management, Business and Economic Development, Environment, Housing and Community Development including the Maryland Historical Trust, Natural Resources, and Transportation; Baltimore, Kent, and Talbot Counties; the City of Baltimore and the Maryland Department of Planning.

Your participation in the MIRC process helps to ensure that this project will be consistent with the plans, programs, and objectives of State agencies and local governments. Issues resolved through this process enhance the opportunities for project funding and minimize delays during project implementation.

If you need assistance or have questions concerning this review, please call 410-767-4490 and ask for the staff person noted above. Thank you for your cooperation.

Linda C. Janey, J.D.

Director, Clearinghouse & Plan Review Unit

Links C. Janey

R. Christopher Goodwin & Associates, Inc.

cultural resource management and preservation planning

October 25, 2000

Mr. Jeff McKee Operations Division U.S. Army Corps of Engineers Baltimore District P.O. Box 1715. Baltimore, Maryland 21203

RE: Archeological Studies for the Chesapeake & Delaware (C&D) Canal Feasibility Study, Maryland and Delaware

Dear Mr. McKee:

Per your request, R. Christopher Goodwin & Associates, Inc. is pleased to provide you with copies of the following reports. We understand that the Baltimore District is reviewing possible improvement to channels near Tolchester Beach that were discussed in our reports. These studies were conducted for the Maryland Port Administration (MPA), working with staff from the Philadelphia District, U.S. Army Corps of Engineers.

- Cultural Resource Reconnaissance and Sensitivity Study for the C&D Canal Feasibility Study, Chesapeake Bay and Delaware River (Volume I), 1992
- Archeological Investigations of the Proposed C&D Canal, Maryland and Delaware (Volume II - Cultural Resource Reconnaissance and Sensitivity Study; Volume III - Phase I Remote Sensing Cultural Resources Survey), 1995

I served as the Project Manager and lead author of the 1992 study. Dr. Jack Irion directed the 1995 study, out of our New Orleans office. The 1992 study included two volumes, which were incorporated into the 1995 report as Volumes I and II. The 1995 study included those two volumes, plus two volumes on the results of the Phase I remote sensing survey. In this package, we have provided you with Volume I of the 1992 study and Volumes II (also Volume II of the 1992 report) and III of the 1995 study. We are unable to provide you with Volume IV of the 1995 study at this time. That volume contained large format (approximately 24x36 inch) prints of the raw remote sensing data. We have been unable to locate any copies of these graphics,

Mr. Jeff McKee October 25, 2000 Page Two

which were reproduced at considerable expense. If you need these raw data for planning purposes, copies of the graphics may be on file at MPA or the Maryland Historical Trust.

We believe that Tidewater Atlantic Research (TAR) conducted the follow-up Phase II evaluations for portions of the approaches to the C&D Canal, under contract to MPA. Our office does not have a copy of their Phase II report. Jeff Morris may have directed the work for MPA; I'm not sure if he is still with TAR. A point of contact at TAR is:

Mr. Gordon Watts P.O. Box 2494 Washington, North Carolina 27889 (252) 975-6659

Goodwin & Associates, Inc. hopes that these data are helpful in your consideration of improvements to the Tolchester Beach channels. I appreciated your thoughts last week regarding the completion of a hazards study for our ongoing survey in Baltimore harbor. Please feel free to contact us if you have any further questions. We are at your service.

With best regards, I remain

Clusting R. Fol

Yours faithfully,

Christopher R. Polglase, M. A., ABD Vice President – Archeological Services

Enclosures

cc: Mr. Michael Swanda (Philadelphia District, COE)

w/out enclosures

Samuel L. McSorley Consultant

9370 N. Bayview Ave. • Chestertown, Maryland 21620 Phone 410-778-4343 • Fax 410-778-3387

10.25-00

can Mr. Robert W. Lindser duez, Planny This US carry Cryps of Engineers

Then Mr. Finder,
our friend and verylabor Roger N.
wangels who lives on the cerespeaks Bay
several miles Southof us hos received and
given me a copyof your baller and "Notice
of availability" stay 10.17.00. It
concerns a goested changes to strangitum the
5 turn in the Toleheiter Channel.

on to 30' bluff over Cooking The Bay first about one mile north of the tolketer Marina is an areas linema as Wilstell Bluffer. The ship channel is very close to over wentied bluff. We would be glad to say took to the Corps believes it would improve the tee Corps believes it would improve the safety of shipping, we wall approve of your sould.

we would also ask that your all up to your weight hor any future such notices about the Tolchester channel area. Plante note our wail address in our letter-bead.

grill note our orderess's chestertown - Mr. Morngels is Rode Hall-but we are only a butto over a wile apart - and both on the

Bay by the Toleheaters chamb.

That you very much . Ancerely,

SI We Greay

Mr. Robert W. Linder
District Engineer
ATTN: CENAB-PL-P
U. S. Army Corps of Engineers
Baltimore District
P. O. Box 1715
Baltimore, Md. 21203-1715

Dear Mr. Linder:

Thank you for including me in your mailing concerning plans for the Tolchester Channel S-Turn.

As a Baltimore Port Pilot for forty years, and now a Maritime Safety Auditor, I am only too aware of the need to straighten the existing Tolchester Channel S-Turn.

I class this Tolchester Channel S-Turn as the most dangerous meeting and passing area in my approx. 12,000 miles annual vessel check rides, which include all the major ports from Maine to Gulf of Mexico. My reason is the geographical location of this S-Turn channel and the necessary course and speed changes - at times less than 100ft. from grounding.

The Corp of Engineers is doing an outstanding job in protecting the enviornment and reducing chances of vessels having a collision or grounding.

Sincerely,

Capt. Herbert Groh 1907 Clifden Rd.

Baltimore, Md. 21228

MARITIME SAFETY AUDITS

LOG OF CAPTAIN HERB GROH'S STUDY AREAS

Harbors, channels, seaways, bays, sounds and rivers.

- 1) Newington, N.H.
- 2) Portsmouth Harbor, N.H.
- 3) Gloucester Harbor
- 4) Salem Harbor
- 5) Massachusetts Bay
- 6) Boston Harbor
- 7) Cape Cod Bay
- 8) Cape Cod Canal
- 9) Choptank River
- 10) Cambridge Harbor
- 11) Hyannis Harbor
- 12) Nantucket Sound
- 13) Nantucket Harbor
- 14) Vineyard Sound
- 15) Wood Hole Harbor
- 16) Martha's Vineyard Harbor
- 17) Buzzards Bay
- 18) Narragansett Bay
- 19) Newport Harbor
- 20) Providence River
- 21) Providence Harbor
- 22) Rhode Island Sound
- 23) Block Island Sound
- 24) Fisher Island Sound
- 25) New London Harbor
- 26) Connecticut River
- 27) Long Island Sound
- 28) New Haven Harbor

LOG OF CAPTAIN HERB GROH (continued)

- 29) Bridgeport Harbor
- 30) Port Jefferson Harbor
- 31) Hell Gate Basin
- 32) East River
- 33) Kill Van Kull
- 34) Newark Bay
- 35) Arthur Kill
- 36) Raritan Bay
- 37) Passaic River
- 38) Hackensack River
- 39) Port Elizabeth
- 40) Gravensend Bay
- 41) Coast Sandy Hook to Delaware Cape
- 42) Delaware Bay
- 43) Delaware River
- 44) Chrisina River
- 45) Schuykill River / Harbor
- 46) C & D Canal
- 47) Back Creek
- 48) Elk River
- 49) Susquehanna River
- 50) Head of Chesapeake Bay
- 51) Patapsco River
- 52) Curtis Bay / Harbor
- 53) Curtis Creek
- 54) Spring Garden Harbor
- 55) Chester River
- 56) Severn River
- 57) Eastern Bay
- 58) Patuxent River
- 59) Potomac River
- 60) Little Anemessex River
- 61) Anacostia River
- 62) Cockpit Point Harbor
- 63) Piney Point Harbor
- 64) Pacomoke Sound

LOG OF CAPTAIN HERB GROH (continued)

- 65) Tangier Sound
- 66) Great Wicomico River
- 67) Rappahannock River
- 68) Northern Chesapeake Bay
- 69) Southern Chesapeake Bay
- 70) Richmond Harbor
- 71) Hampton Roads
- 72) Hopewell Harbor
- 73) James River
- 74) Norfolk Harbor
- 75) Elizabeth River
- 76) Coast Cape May to Cape Henry
- 77) Coast Cape Henry to Cape Hatteras
- 78) Cape Fear River / Harbor
- 79) Wilmington N.C Harbor
- 80) Charleston Harbor
- 81) Savannah River / Harbor
- 82) St. Johns River
- 83) Jacksonville Harbor
- 84) Cape Canaveral Harbor
- 85) Port Everglades Harbor
- 86) Port Miami Harbor
- 87) Port Manatee Harbor
- 88) Boca Grande Harbor
- 89) Tampa Bay
- 90) Tampa Bay Harbor
- 91) Pensacola Harbor
- 92) Mobile Bay
- 93) Gulf of Mexico
- 94) Tampa Bay to Mobile Bay
- 95) Mississippi River
- 96) St. Lawrence Seaway
- 97) San Francisco Bay
- 98) San Pablo Bay

NOTE: Study made with ships behavior up to 265,000 tons, with channels up to 2,000 feet wide and 50 feet deep, with under-keel clearance of 2 to 4 feet.

3638 Jocelyn Street, NW

Washington, DC 20015

telephone 202/686-1035

JANET DINSMORF

e-mail jldinsm@aol.com

November 7, 2000



US Army Corps of Engineers Baltimore District Operations Division (CENAB-OP Baltimore, MD 21203-1715

Dear Army Corps of Engineers:

I am writing in response to the Army Corps of Engineers' proposal to dredge a new channel in the Upper Chesapeake Bay aimed at eliminating the Tolchester S-turn. According to an article in the Kent County News (10/19/00), the current channel follows naturally deep water of the Bay, and was already widened beyond an existing 600-foot width in 1981. The great majority of boats that use this channel, as I've observed from my cottage at Mitchell Bluff in Tolchester Beach, are tugs hauling or pushing barges.

I question the need for a new channel dredging project that will further damage the ecosystem of an already endangered Chesapeake Bay, since I am unaware the S-turn has caused any accidents to shipping. Because there were no statistics quoted in the article, can the Corps provide information on how many people have been injured or lost their lives because of the contours of the existing channel? Is there evidence that large numbers of ships have had accidents because of failure to negotiate a turn? The current channel was constructed in 1968, and has been in steady use since then. The pilots who travel this route are obviously capable of doing so without mishap. Why is there suddenly a need to dredge a new channel, especially given anticipated damage to the crab population and other already endangered organisms, release of nutrients and new contaminants in the water, and the turmoil caused by a major new dredging project?

The recent investigative series in the Washington Post on the Army Corps of Engineers, including a detailed article on the Chesapeake Bay shipping channel, raised extensive and disturbing questions about the credibility of Corps studies and public statements. Time and again, public sentiment, scientific knowledge, and environmental interests appear to have been dismissed by Corps engineers. Without far more evidence supporting the need for a new deepwater channel in the Bay, it is impossible for me to conclude this proposal is justified.

I urge you to reconsider. I do understand the need to keep the existing channel clear and open for shipping. But, if there is not substantial evidence of harm caused by the current route, please leave it alone. As the saying goes, "If it ain't broke, don't fix it!"

Sincerely.

anet Dinsmore

cc: US Representative Wayne Gilchrest, Kent County News, Tolchester Community Association

1209 John Street Baltimore, MD.21217 telephone 414/523-8713

FRANKLIN T. CLARK

November 9, 2000

US Army Corps of Engineers Baltimore district Operations Division (CENAB-OP Baltimore, MD 21203-1715

Dear Army Corps of Engineers:

This letter concerns the Army Corps of Engineers' proposal to dredge a new channel in the Upper Chesapeake Bay aimed at eliminating the Tolchester S-turn. This proposal concerns me greatly as the damage to the ecosystems will be greater than has been evaluated and the apparent need for the channel has yet to be proven.

The current channel was constructed in 1968 and has been in steady use since then. I am unaware of any accidents or groundings since that time. I also believe that there is not a difficulty in negotiating the turn as it currently exists. It is in the tradition of the Corps of Engineers to look ahead and this is always commendable. However, in this case, the repercussions from dredging may throw the natural life of this area a bad curve and the delicate balance that exists in the Bay's natural world may be damaged. For many of us we see the advancement of man and transportation as important. However, where it is unnecessary and costly and may prove negatively consequential, I believe the idea of dredging should be re-examined and curtailed.

In conclusion there is not enough evidence before the public for the need of this straightening of the channel and we know that the balance in the Bay is threatened and should be protected.

Sincerely,

Franklin T. Clark

cc: Senator Paul Sarbanes

US Representative Wayne Gilchrest



Parris N. Glendening Governor

Kathleen Kennedy Townsend
Lt. Governor

Maryland Department of Natural Resources ENVIRONMENTAL REVIEW

Tawes State Office Building Annapolis, Maryland 21401

Sarah J. Taylor-Rogers, Ph.D. Secretary

Stanley K. Arthur Deputy Secretary

November 20, 2000

Colonel Bruce A. Berwick District Engineer ATTN: CENAB-PL-P U.S. Army Corps of Engineers Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

Re: U.S. Army Corps of Engineers Draft Environmental Assessment and Draft FONSI; Proposed New Work Dredging Baltimore Harbor and Channels. Straightening of the Tolchester Channel S-Turn; Kent County

Dear Colonel Berwick:

The Department of Natural Resources has reviewed the above referenced document regarding the proposed dredging of a new straight channel two miles long. 600 feet wide and 35 feet deep plus an additional 2 feet of depth for advance maintenance dredging and an additional 2 feet of depth for allowable overdredging for final potential channel depth of 39 feet. Approximately 3,000.000 cubic yards of material will be dredged by clamshell dredged, loaded into scows, transported by tugs to either the Poplar Island Environmental Restoration Project or the Hart-Miller Island Dredged Material Containment Facility, and then pumped directly from the scows into the placement site by hydraulic unloader. The Environmental Review Unit coordinated a Departmental review of the proposed project which resulted in the following comments:

1. The Corps is proposing (Sec. 2-0, page 2-1) that the dredging be conducted from 1 October to 30 April. The Department has requested in earlier correspondence that the proposed dredging be conducted during the period 1 October to 31 March.

Colonel Bruce A. Berwick November 20, 2000 Page 2

> The Department requests that the Corps not extend the dredging window beyond 31 March. Although no spawning of anadromous fish is expected to occur in the area of the proposed dredging, striped bass spawning does begin to occur to the north of the project site at Worton Point. As the striped bass spawning population in the Bay has increased, Department fisheries biologists have documented an expansion in the period of time when striped bass spawn in the Upper Bay spawning grounds since sampling began in 1982. In the spring of 2000, sampling of the Upper Bay spawning grounds began on 3 April and by 7 April a total of 61 spawners had been collected including 7 females. This indicates that actual egg release would occur within a matter of days. By extending the dredging window until 30 April, we are concerned the net southern movement of water from the spawning ground could expose developing eggs and larvae to high levels of suspended sediment from the dredging operation. In addition, starting in the Tolchester Beach area, the deep water migration pathway is relatively limited to the area near the shipping channel where dredging would occur. Below Tolchester Beach, the deep water corridor is relatively wider and potentially offers a migration pathway away from the sediment plume and physical disturbance from the clamshell dredge. Thus if the dredging is extended to the end of April, the potential exists for the dredging to impact the movement of adults onto the spawning grounds which occurs throughout April into May with peak egg release occurring between 1 May and 10 May depending on water temperature. The Department requests that the Corps to continue to observe the 31 March cutoff date for upper Bay dredging.

- 2. (Sec. 1-1, page 1-3) The final paragraph in this section regarding lack of economic justification for the proposed project but that Congress directed the project to be completed needs to be expanded and further explained.
- Throughout the report, reference is made to the placement of the realigned Tolchester Channel further from the shoreline than existing channel. What will the increase in distance from the shoreline be? The straightening of the S-Turn has the potential for increasing ship speeds and wave heights from current conditions. Does the Corps plan to conduct monitoring of the Tolchester shoreline to determine if there is any change in shore erosion rates from a completed project?
- 4. (Sec. 5.1.1, page5-2) The statement is made that if the material from the proposed project is placed at Poplar Island it would be placed in an upland cell and covered by material from other dredging projects. Is there a reason that the material needs to be "covered" by other material and can not be used in a wetland cell at Poplar Island. If the material from the Tolchester S-Turn project is "clean" material, is

Colonel Bruce A. Berwick November 20, 2000 Page 3

> there any reason it could not be used in a wetland cell? The Department recommends that the material from the Tolchester Channel project be placed at Poplar Island to conserve capacity at Hart-Miller Island for material that must be placed in a contained facility.

Thank you for the opportunity to comment on this project and if you have any questions regarding these comments please feel free to contact Roland Limpert of my staff at 410-260-8333.

Sincerely,

Ray C. Dintaman, Jr., Director Environmental Review Unit

C. Watson, DNR cc:

> P. Massicot. DNR-RAS E. Schwaab, DNR-FS

E. Ghigiarelli, MDE

CHESAPEAKE BAY FOUNDATION



Resource Protection Environmental Education

November 21, 2000

District Engineer ATTN: CENAB-PL-P U.S. Army Corps of Engineers Baltimore District PO Box 1715 Baltimore, MD 21203-1715

Re: Proposed New Work Dredging Baltimore Harbor and Channels, Maryland and

Virginia Straightening of the Tolchester Channel S-Turn, Maryland

Draft Environmental Assessment and Draft Finding of No Significant Impact

Dear Sir:

On behalf of the Chesapeake Bay Foundation (CBF), I am writing to express concerns with the above referenced Draft Environmental Assessment and Finding of No Significant Impact on the proposed Tolchester Channel straightening project in the northern Chesapeake Bay. CBF has always supported the economic well-being of Baltimore's Port and recognized the need for maintenance dredging of navigation channels to ensure an adequate route to the port. However, we are concerned by the disconnect between the myriad proposed dredging projects and adequate environmentally sound dredged material disposal capacity.

The Corps must conduct a comprehensive dredged material management study.

While responsibility for dredged material disposal lies with the State for dredging projects such as this, we believe the Corps must acknowledge that the State is compromising the long-term availability of dredged material capacity by proceeding with questionable new work projects prior to securing long-term disposal capacity. Corps regulations regarding planning for civil works projects (Regulation ER 1105-2-100) require a demonstration of sufficient disposal capacity for a minimum of 20 years for all Federally maintained navigation projects. The regulations also state that if a preliminary assessment indicates insufficient capacity, then a dredged material management study must be performed. To our knowledge, no such study has taken place, and initial efforts to assess long-term capacity were curtailed.

Disposal capacity must be secured prior to commencement of new work.

The EA recognizes the "irretrievable commitment of resources" (P 5-15) associated with decreasing capacity and shortening the life spans of Hart-Miller and Poplar Islands, yet appears to ignore the real concerns regarding overfilling these two containment

facilities. The Corps' EA also fails to recognize that this "irretrievable commitment of resources" may well back decision-makers into a corner regarding future proposed disposal options. The forecast for a disposal deficit in the near future (within 8-10 years) poses a real environmental risk to the Chesapeake Bay, yet is seemingly ignored. CBF believes the Corps must consider the long-term implications of mismanagement of limited disposal capacity and exercise its regulatory responsibility to ensure long-term disposal is available for Federally maintained projects prior to commencement of new work projects.

The Corps must cumulatively assess direct and indirect impacts.

In addition to the primary concerns of inadequate disposal capacity and mismanagement of available disposal, CBF firmly believes that the Corps is overlooking their responsibility to cumulatively assess the direct and indirect impacts of dredging and disposal activities proposed for the Upper Chesapeake Bay. In previous comments on this and other proposed projects, CBF has expressed concerns with the piecemeal approach to assessing impacts, costs, and needs for each segment of what is, in reality, one large project – maintaining and expanding the channels to the Port of Baltimore.

The EA trivializes the impacts related to this particular segment of that larger project by considering it in isolation . While this channel straightening activity may not yield nutrient releases comparable to loads from developed land in the northern Bay, in combination with other dredging and disposal activities in the Bay, it could represent a substantial load – one that is controllable, and which should be sought to be minimized. Similarly, direct and indirect impacts to bottom-dwelling organisms and crabs have been deemed limited, when they have not been assessed in a cumulative manner. In a time when experts are expressing concern about the Chesapeake Bay's blue crab population, better assessing the cumulative impacts to this species from all dredging and disposal activities should be paramount.

The issue of toxic contamination has also been isolated and trivialized through this EA. Corps of Engineers sediment testing data suggests there is enough contamination in these sediments to have precluded their disposal in open water at Site 104. However, it is all but impossible to consider if, based on the degree of contamination, these sediments should be placed at Hart Miller or Poplar Islands, because no cumulative assessment of sediment quality has been made. CBF respectfully urges the Corps of Engineers to exercise their responsibility to make a meaningful cumulative assessment of this proposed dredging activity, in conjunction with other ongoing maintenance and proposed new work dredging and disposal projects, so that these important questions can be addressed before work commences.

The Corps must address the impacts of wave and wakes on shore erosion.

In a previous letter on straightening of the Tolchester channel, CBF expressed concerns that more efficient travel through the Tolchester channel could result in higher speeds of vessel travel and the potential for increased wakes and wave velocities impacting shoreline resources near the channel. The EA did not adequately address this concern. Instead, it was trivialized with a promise that ship captains would not increase vessel

speed. But such a promise can not be monitored or enforced. Unfortunately shore erosion is a real threat to many shoreline areas in the Upper Chesapeake Bay and is exacerbated by vessel wakes and other human activities. The Tolchester channel lies in such close proximity to the Eastern Shore that wave velocities and wakes remain a concern that should be adequately addressed by the Corps of Engineers.

The management of dredging projects and dredged material disposal in the Chesapeake Bay must continuously be reassessed in order to ensure that projects are necessary, justifiable, and environmentally sound – individually and cumulatively. Unfortunately, with this EA, the Corps again falls short of what CBF believes is necessary in terms of cumulative impacts assessment and long-term consideration of dredging impacts in the northern Chesapeake Bay. Commencing projects without regard to disposal capacity will only lead to more expensive Band-Aids in the future. Ignoring cumulative environmental impacts will amount to taking steps backwards in the ongoing efforts to protect and restore the Chesapeake Bay.

Sincerely

Theresa Pierno
Executive Director

Jennifer Aiosa Staff Scientist

2 Woodbine Circle Elkton, MD 21921 November 21, 2000

Mr. Mark Mendelsohn USACE – Baltimore P.O. Box 1715 Baltimore, MD 21303-1715

REQUEST FOR REPORT

Dear Mr. Mendelsohn:

I would like to receive a copy of the report that discusses the monitoring wells at Hart-Miller Island and the possible migration of dissolved metals into the groundwater. This was referred to as a 'draft report' from the University of Maryland, dated spring 1998, in the recent Tolchester S-Turn Draft Environmental Assessment report (pg. 3-6). Please send it to the above address.

If for any reason you are unable to provide the report, please let me know immediately. Thank you for your attention to this matter.

Singerely,

John M. Williams

Copy: Congressman Wayne T. Gilchrest

2 Woodbine Circle Elkton, MD 21921 November 21, 2000

Col. Charles J. Fiala, Jr. District Engineer USACE – Baltimore P.O. Box 1715 Baltimore, MD 21303-1715

Re: STRAIGHTENING OF THE TOLCHESTER S-TURN DRAFT ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT

Dear Col. Fiala:

The referenced document relates to the District's plan to alter the Tolchester Channel by dredging 3.0 mcy and placing that material at Poplar Island. (Noting that the Maryland Port Administration has announced that Hart-Miller Island will not be available to service the Tolchester project.)

Having reviewed the referenced document, and being fairly familiar with the background for the proposed project and dredge spoil disposal options in the Chesapeake Bay, I do not believe there is a sufficient basis for a 'Finding of No Significant Impact' (FONSI). I thereby request that you withhold approval on initiating the project and instead direct that an Environmental Impact Statement and a Dredged Material Management Plan be prepared.

Previously I communicated concerns about this project to your office (letters of March 8 and May 7, 2000). My comments on the inadequacies of the recent Draft EA/FONSI (October 2000) are appended.

I urge you to take the courageous, and responsible, action to defer implementation of the proposed alteration of the Tolchester Channel.

Sincerely

John M. Williams, PhD

Copy: Congressman Wayne T. Gilchrest

COMMENTS ON PROPOSED NEW WORK DREDGING ... STRAIGHTENING OF THE TOLCHESTER S-TURN; DRAFT ENVIRONMENTAL ASSESSMENT AND DRAFT FINDING OF NO SIGNIFICANT IMPACT (October 2000)

GENERAL COMMENTS:

A. The USACE requirement for <u>each</u> proposed navigation project to have a dredged material management plan (DMMP) has not been realized.

USACE guidelines state: "Dredged Material Management Plans. All Federally maintained navigation projects must demonstrate that there is sufficient dredged material disposal capacity for a minimum of 20 years. A preliminary assessment is required for all Federal navigation projects to document the continued viability of the project and the availability of dredged material disposal capacity sufficient to accommodate 20 years of maintenance dredging. If the preliminary assessment determines that there is not sufficient capacity to accommodate maintenance dredging for the next 20 years, then a dredged material management study must be performed.

[PLANNING GUIDANCE NOTEBOOK; ER 1105-2-100; Appendix E (Civil Works Missions and Evaluations Procedures); 22 Apr 2000; (Sec. E-15).]

The guidelines further state: "The interests of economic development and environmental sustainability will best be served when dredged material placement proceeds according to a management plan. Therefore each existing and proposed navigation project will have a dredged material management plan that ensures warranted and environmentally acceptable maintenance of the project.

[lbid; Sec. E-15, a.(1)(c).]

The Baltimore District has not completed <u>either</u> a 'preliminary assessment' or a 'dredged material management study'. Consequently the Draft EA/FONSI is incomplete and inadequate. For the District to proceed with the proposed action, or any other major dredging project, appears to be contrary to established USACE guidelines and could subject the District to litigation.

B. Cumulative impacts of the proposed action have not been addressed. Only incremental impacts have been considered in the Draft EA/FONSI.

Cumulative impact is defined as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency ... undertakes such other actions."

[40 CFR 1508.7]

As an example of only one such cumulative impact -- the proposed action will dredge and consume 3.0 mcy of spoil disposal capacity. Such capacity is extremely limited [Governor's Strategic Plan for Dredged Material Management, October 2000] and this action, coupled with similar upper Bay dredging projects, place at great risk the future ability (years 2009 –2015) to maintain the access channels to the Port of Baltimore. The adverse impact on the Port of Baltimore and on the economy of the

region of not maintaining the access channels for 5, or more, years is tremendous ... and that significant impact was totally overlooked!

SPECIFIC COMMENTS:

- 1. The Notice of Availability for the Draft EA/FONSI states, "Dredging is scheduled to commence in Fall 2001 and end in Spring 2002." However, the latest version of the Governor's Strategic Plan for Dredged Material Management (October 2000) indicates the project will be implemented in Fall 2000 and Spring 2001 ... a year earlier! This inconsistency needs explanation, as it appears from the State of Maryland's planning that a "FONSI" is a foregone conclusion.
- The proposed design calls for two feet of allowable overdepth dredging. However
 the design proposed for the C&D Canal deepening through the same channel calls
 for only one foot of allowable overdepth. The disparity needs explanation –
 particularly because less overdepth dredging would minimize both costs and
 environmental impacts.
- 3. The Executive Summary (and the report) state "the purpose of the proposed action is to improve navigation safety." However, such a statement is misleading as it erroneously implies that the project is justifiable for safety reasons. The finding by HQUSACE of insufficient safety justification (HQ memo to CENAB; July 15, 1997) should be fully disclosed and acknowledged in both the Executive Summary and the report.
- 4. The Executive Summary and the report (Sec. 4.1.5.4 and Sec. 4.3.1) state that modeling efforts conclude there would be minimal tidal current changes (<0.1 fps) arising from project implementation. However, the modeling studies reported in Appendix VII indicate substantially larger velocity changes (<0.21 fps). The report found that the typical maximum tidal speeds in the vicinity of the Tolchester Channel are 1.35-1.69 fps (Sec. 4.3.1) ... thus, the change of 0.21 fps is a velocity increment of 12-16% ... and is not insignificant! Further, the "plastic clay" sediments to be exposed by the proposed action (project) have a very small particle size (mean size of 3-8 microns) and thus would be subject to suspension and erosion by very small water velocities. Indeed these sediments have been termed "a fluid mud" (Sec. 4.1.3.1). Consequently the assertion of no significant transport of sediments from high water-velocity (channel) areas to lower velocity areas over nearby oyster bars (Hodges Bar) are clearly questionable and warrant more careful analysis.
- 5. The hydrodynamic modeling cited and included in the report as Appendix VII is neither satisfying nor convincing. First ... the work employs only two-dimensional models of the study regions whereas a three-dimensional model (WES-CH3D) is the accepted standard for all other significant Chesapeake Bay dredging projects. Reliance on a less sophisticated model requires explanation and justification. Second ... the model studies as presented in Appendix VII are not adequate to assess the work performed or ascertain a conclusion ... because half of the pages are missing! (Only the odd-numbered pages are included in the report!)

Consequently, it is <u>impossible</u> to confirm the assertion of 'no significant impacts' accruing from implementation of the proposed project.

6. Port of Baltimore commerce trends are selectively reported and incorrectly interpreted. The report claims commodity tonnage is "projected to increase steadily" and cites data from (only) 1991 and 1998 (Sec. 4.1.1). However, there is no basis to 'project' steady tonnage increases. USACE data for the last decade clearly show no growth ...and the 1998 total commodity movement through the Port of Baltimore is actually less than the average tonnage for the decade 1989-1998 (*Waterborne Commerce of the United States – 1998*). In fact, the truth is that total commerce at the Port of Baltimore has been gradually declining for 20 years (1978: 46,809,000 tons; 1998: 40,114,000 tons) ... about a 15% decline.

The report's selection of commerce data to cite, and use to erroneously infer the future, is irresponsible and calls into question the veracity of other assertions – and ultimately, the FONSI.

- 7. In reviewing the hydrogeology of the Tolchester Channel region, the report states that a 7 ft. thick layer of 'plastic clay' would remain after dredging the straightened channel to protect the underlying aquifer (Sec. 4.1.3.2). However, the cumulative impact of other authorized dredging projects was not considered. The deepening of the Tolchester channel by 5 feet as part of the C&D Canal (and connecting channels) deepening project would reduce that clay barrier to only a two-foot thickness. This could exacerbate the decline in regional groundwater elevations and local, private wells could go dry as they did in Chesapeake City the last time the C&D Canal was deepened. The Draft EA/FONSI did NOT address this potential adverse impact.
- 8. In reviewing the hydrogeology of the Poplar Island region, the report notes that saltwater from the Bay in intruding into the Aquia aquifer (Sec. 4.1.3.2). Thus there is potential for soluble heavy metals from the spoils to further contaminate the aquifer. This would occur during those periods when dewatered sediments were allowed to air oxidize with the resulting release of acids to mineralize the sediments ... as happened at Hart-Miller Island (Sec. 3.3.2) and at the upland disposal sites along the C&D Canal. Such oxidation (and resultant heavy metals release into groundwater) will occur once the Poplar Island site or any cells—are inactivated (before 2009). The Draft EA/FONSI did NOT address this potential adverse impact.



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Parris N. Glendening Governor

Raymond A. Skinner Secretary

Marge Wolf Deputy Secretary November 27,2000

Mrs. Linda Morrison Chief, Regulatory Branch Baltimore District, Corps of Engineers P.O. Box 1715 Baltimore, Maryland 21202-1715

Dear Mrs. Morrison:

This letter is to reiterate our request for a submerged Phase I identification survey from March 2000 (see attached letter). Our office has reviewed all the material related to the following application for effects to submerged cultural resources (pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended):

Tolchester Channel Straightening MD20001018-0960

The US Army Corps of Engineers, Baltimore District made a *Draft Environmental Assessment* and *Draft Finding of No Significant Impact* report dated October 2000. This draft suggests that both Phase I and II investigations of the C&D Canal Deepening and supporting channels have determined that there will be no impacts to submerged resources at the straightening site (page 5-11). A review of these documents reveals that no submerged cultural resources survey has been performed at this site (see attached map).

The Maryland Historical Trust letter of June 27,1996 was sent with the belief that the incorrectly stated archeological work was performed. Our March 2000 review of this project indicated that the area has not been properly surveyed underwater. Secondary sources indicate that no less than twenty-nine (29) vessels sank in this region of the Chesapeake Bay.

We continue to request that permit issuance be deferred until a submerged Phase I identification survey of the area is performed. This survey should be carried out by a qualified professional archeologist and include areas impacted by the project and project equipment. The survey needs to be performed in accordance with the "Standards and Guidelines for Archeological Investigations in Maryland" (Shaffer and Cole 1994) and with Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines (1983). Based upon the results of the survey, we will be able to determine whether or not the project will affect any cultural resources and make appropriate recommendations. Further consultation with our office will be necessary to fulfill compliance with Section 106 of the National Historic Preservation Act of 1966, as amended.

Your cooperation and assistance is appreciated. We request that you keep the cultural resource information in this letter confidential, to avoid any unlawful artifact collecting. If you have any questions or require further information, please contact Dr. Susan Langley (410) 514-7662 or Mr. Stephen Bilicki (410) 514-7668

Sincerely,

J. Rodney Little

State Historic Preservation Officer

2000003743.3834

cc: Mr. Robert Rosenbush (Md. Clearinghouse)

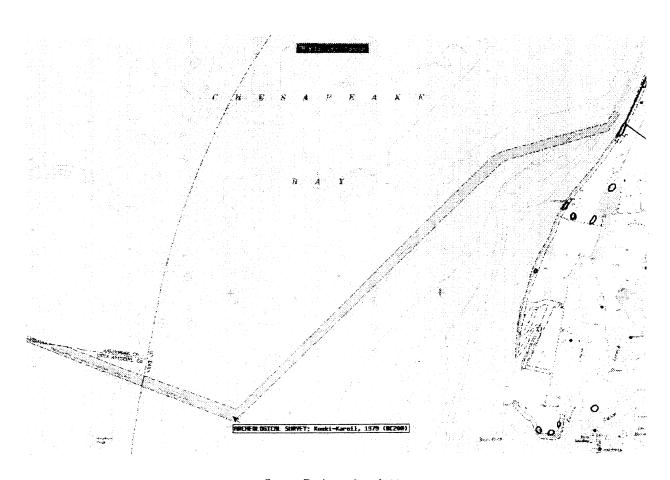
Mr. Rick Avella (MDE)

Dr. John Seidel
Ms. Elizabeth J. Cole

Dr. Susan B.M. Langley

Mr. Stephen Bilicki





Swan Point Quad Map Detail of Surveys Completed



United States Department of the Interior

U.S. FISH & WILDLIFE SERVICE

FISH AND WILDLIFE SERVICE

Chesapeake Bay Field Office 177 Admiral Cochrane Drive Annapolis, MD 21401

November 28, 2000

Colonel Charles J. Fiala, Jr., PE District Engineer U.S. Army Corps of Engineers P.O. Box 1715 Baltimore, MD 21203-1715

Attn: Jeff McKee

Re: Tolchester S-turn Realignment

Dear Colonel Fiala:

We have reviewed the Draft Environmental Assessment dated October 2000 for the straightening of the Tolchester Channel S-turn. We have no further comments beyond those previously indicated in our letter to you dated May 5, 2000. We continue to have no objection to the project. If there are any questions, please contact George Ruddy at (410) 573-4528.

Sincerely

John P. Wolflin
Supervisor

Chesapeake Bay Field Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION III 1650 Arch Street Philadelphia, Pennsylvania 19103-2029

December 7, 2000

Colonel Charles J. Fiala, Jr. District Engineer ATTN: CENAB-PL-P U.S. Army Corps of Engineers Baltimore District P.O. Box 1715 Baltimore, MD 21203-1715

RE: Draft Environmental Assesment and Draft Finding of No Significant Impact: Proposed New Work Dredging Baltimore Harbor and Channels, Maryland and Virginia; Straightening of the Tolchester S-Turn Maryland

Dear Colonel Fiala:

In accordance with the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the Environmental Protection Agency (EPA) has reviewed the Draft Environmental Assessment (EA) and Draft Finding of No Significant Impact (FONSI) for the above referenced project. The proposed dredging project is located on the eastern side of the Chesapeake Bay, in Kent County, Maryland. The purpose of the proposed project is to realign the existing Tolchester Channel S-Turn into a new straight channel two miles long, 35 feet deep, and 600 feet wide for navigation safety.

Approximately 3 million cubic yards (cy) of material will be dredged by clamshell and transported by scow to either the Phase I 640 acre Poplar Island Environmental Restoration Project or to the 800 acre North Cell of the Hart-Miller Island Dredged Material Containment Facility (CDF). Dredging is scheduled to commence in Fall 2001 and end in Spring 2002.

We generally concur with your analysis and findings of the environmental impacts that can be expected from implementation of the proposed project. Computer modeling of the existing and proposed channel alignments projects minimal changes in the velocity of currents (<0.1 foot per second), which is not expected to alter siltation patterns over the natural oyster bar (Hodges) located immediately south of the existing S-Turn. We are in agreement that increased turbidity from dredging operations will be short term and localized.

The Draft EA addresses our concern with the potential that increased vessel speeds now possible with a straightened channel will produce greater wakes and adversely affect the shoreline and small boats or residents near the shore. The EA points out that the new (straightened) channel will be located farther from shore than the current S-Turn, thereby lessening the chances for increased wave action on shore. Additionally, the EA states that the Association of Maryland Pilots does not anticipate increasing vessel speeds in the area, affording an additional measure of protection.

Customer Service Hotline: 1-800-438-2474

The draft EA also states that nutrient releases are expected to occur during the dredging, following dredging, and from the placement site during dewatering operations. While nutrient releases during dredging are expected to be minimal, loadings of approximately 18,250 pounds of total nitrogen from the newly dredged channel and 135,000 pounds total nitrogen from dewatering are projected to be released to the Chesapeake Bay. We encourage the Corps as supporters of the Chesapeake Bay 2000 Agreement to participate with EPA and other involved stakeholders in developing a strategy to mitigate nutrient inputs to the Bay from the current project and from other Corps dredging projects. We can offer technical assistance to help achieve this end.

Thank you for the opportunity to review the Draft EA and Draft FONSI for the proposed project. You can contact me at (215) 814-2989 or Marria O'Malley Walsh of my staff at (570) 628-9685 if you have any questions regarding our comments.

Sincerely,

Stanley L. Laskowski, Director Environmental Services Division MARYLAND ENVIRONMENTAL SERVICE

Parris N. Glendening Governor

James W. Peck Director

December 13, 2000

Mr. Mark Mendelsohn CENAB PL-PC U.S. Army Corps of Engineers PO Box 1715 Baltimore, MD 21203-1715

Dear Mr. Mendelsohn:

Please find enclosed three copies of the document "Hart-Miller Island Well Evaluation Final Report", January 1999. The Maryland Port Administration has given permission for this final report to be provided to members of the public, if it is requested.

Please use this report as a citation for the Tolchester S-Turn Straightening Environmental Assessment, as this document is more up-to-date than the draft which had been cited.

If you have any questions, please call me.

Sincerely,

Cecelia L. Donovan

Environmental Science and Monitoring Environmental Dredging Division

Enclosure

Cc: Dave Bibo, MPA



UNITED STATES DEPARTMENT OF COMMERCE National Oceanic and Atmospheric Administration NATIONAL MARINE FISHERIES SERVICE NORTHEAST REGION One Blackburn Drive Gloucester, MA 01930-2298

DEC 20

Col. Charles J. Fiala, Jr.
District Engineer
U.S. Army Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21203-1715

Attn: Planning Division, CENAB-PL-P

Dear Colonel Fiala:

We have reviewed Public Notice CENAB-PL-P, dated October 17, 2000, and the draft Environmental Assessment (DEA) and Finding of No Significant Impact, dated October 2000, for the proposed straightening of the Tolchester Channel S-Turn in Kent County, Maryland, under the Baltimore Harbor & Channels Federal Navigation Project. We offer the following comments.

Section 7 Requirements Under The Endangered Species Act (ESA)

As required under Section 7 of the ESA, the Baltimore Harbor & Channels Federal Navigation Project in the upper Chesapeake Bay and Chesapeake and Delaware Canal and Approach Channels are being reviewed by the National Marine Fisheries Service (NMFS) for their potential to affect the shortnose sturgeon (*Acipenser brevirostrum*). In a NMFS informal consultation response dated October 1997, we indicated that maintenance work for Baltimore Harbor channels, if performed by mechanical method, was of limited risk to shortnose sturgeon, and will likely not result in an ESA Section 9 violation by your agency. The proposed straightening of the Tolchester S-Turn, if also performed mechanically, will be of limited risk to shortnose sturgeon. However, because you have not ruled out the use of hydraulic pipeline or hopper dredging for this project, we will need additional time and information to determine the potential for the latter dredging methods to affect shortnose sturgeon in the upper Bay, and to prepare an ESA response on the Tolchester S-Turn proposal.

With completion of the two-year sampling study on sturgeon in the upper Bay, the U.S. Fish & Wildlife Service has submitted an Investigation Report on this study for NMFS' review. We are in the process of reviewing the Investigation Report, as well as your agency's Interim Biological Assessment, dated June 2000, for impacts of the Baltimore Harbor & Channels Federal Project on shortnose sturgeon (*Acipenser brevirostrum*) in the upper Chesapeake Bay. These documents should assist us in determining how individual actions associated with the Baltimore Harbor Project will affect sturgeon. Once we have completed our review of these documents, ESA comments pertaining to the proposed straightening of Tolchester S-Turn will be submitted in a separate response.



Essential Fish Habitat (EFH)

We have reviewed the EFH section in the DEA. The contents of this section are satisfactory relative to satisfying requirements for submittal of an EFH Assessment under provisions of the Magnuson-Stevens Fishery Conservation and Management Act.

Of federally managed finfish with EFH designated in the upper Chesapeake Bay, the juvenile (i.e., young-of-the-year) life stage of bluefish (*Pomatomus saltatrix*) is the species that will most likely be encountered in the project area. However, because initial and maintenance dredging will occur from October 1 to April 30 and March 31, respectively, dredging impacts will occur when bluefish will not likely be present in the dredge area. Additionally, juvenile stages of preferred prey species [i.e., Atlantic menhaden (*Brevooritia tyrannus*)], Atlantic silversides (*Menidia menidia*), and bay anchovy (*Anchoa mitchilli*) will also not likely be present during dredging, and we do not anticipate that the proposed dredging will adversely affect this species.

Disposal of resulting dredge material at either Hart Miller Island and/or Poplar Island containment sites should not adversely affect EFH and associated species.

Fish & Wildlife Coordination Act Comments

Dredging will occur adjacent to the north portion of Natural Oyster Bar 2-9 (Hodges Bar). The proposed dredging window of October 1 to April 30 will protect oysters from adverse affects of dredging during their spawning season, but **not** during the period of their winter quiescence (December 15 to March 31). Metabolically inert oysters will be at highest risk if dredging is performed mechanically.

Dredging activity will occur closest to Hodges Bar at the south terminus of the proposed channel, and will gradually move farther from the bar as dredging proceeds in a northerly direction. Therefore, if dredging is performed mechanically, we recommend that the southern terminus of the proposed channel be dredged earliest during the proposed window (i.e., from October 1 to December 14), such that the effects generated by dredging will be further removed from the Hodges bar once the operation extends into the period of oyster winter dormancy.

It should also be noted that, in addition to oysters, soft-shell clam (*Mya arenaria*) harvest occurs in the project vicinity, extending along shallows of the Kent County shoreline north to Tolchester Beach. However, hydraulic clam harvest activities are generally restricted to waters under 20 feet in depth (mean low water), and should not be adversely affected by this project.

If there are any questions concerning these comments, you may call John S. Nichols at (410) 226-5771 at our Oxford, Maryland. Habitat Office.

Sincerely.

Particia A. Kurkul

Regional Administrator

George Ruddy, U.S. Fish & Wildlife Service, Annapolis Field Office
 U.S. EPA, NEPA Review Program, Region III
 Andrew Derr, MD Department of Natural Resources, Critical Areas Commission
 Roland Limpert, MD Department of Natural Resources, Environmental Review
 HCD - Oxford, Sandy Hook
 PRD - Mantzaris, Colligan

toches - 005

April 5, 2001



Maryland
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Parris N. Glendening Governor

Raymond A. Skinner Secretary

Marge Wolf Deputy Secretary Mr. Jeffrey A. McKee
Operations Manager, Operations Division
Baltimore District, Corps of Engineers
P.O. Box 1715
Baltimore, Maryland 21202-1715

Dear Mr. McKee:

Per phone conversations with MHT staff and the reports you forwarded to our office for the proposed Tolchester Channel S-Turn straightening project of the Baltimore Harbor & Channels Federal navigation project, this office contacted the Philadelphia District, U.S. Army Corps of Engineers and the firm of R. Christopher Goodwin & Associates, Inc. Those offices provided additional information on the project referenced below.

Tolchester Channel Straightening MD20001018-0960

The information provided to our office indicates that all required archeology has been performed for this project to continue. In our opinion, the undertaking will have no effect on historic properties that are eligible for the National Register of Historic Places. We would like to request, however, that if archeological material (i.e. ceramics, glass, metal, projectile points, pot shards, and/or wood such as beams, frames, keels, planks, etc.) be uncovered in the course of this undertaking that this office be notified and our staff be given an opportunity to visit the site to evaluate the material.

Your cooperation and assistance is appreciated. If you have any questions or require further information, please contact Dr. Susan Langley (410) 514-7662 or Mr. Stephen Bilicki (410) 514-7668

Sincerely,

Dr. Susan B.M. Langley
State Underwater Archeologist

2000003743. 3834

c; Mr. Robert Rosenbush (Md. Clearinghouse)

Mr. Rick Ayella (MDE) Dr. John Seidel

Ms. Elizabeth J. Cole Mr. Stephen Bilicki

